

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (D.B.) No. 05 of 2024**

 Sukhbir Oraon Appellant
 Versus

The State of Jharkhand Respondent

**CORAM:HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE ARUN KUMAR RAI**

 For the Appellant : Mr. Ashok Kumar, Advocate
 For the Respondent : Mr. Pankaj Kumar, P.P.

Order No. 04/Dated 14th March, 2024

1. The instant appeal has been filed under Section 21(4) of the National Investigation Agency Act, 2008 against the order dated 06.12.2023 passed by the learned A.J.C. - V, Ranchi in Misc. Criminal Application No. 3477 of 2023 whereby and whereunder, the prayer for regular bail of the appellant in connection with (S. T. Case No. 693 of 2023) arising out of Bero P. S. Case No. 90 of 2023 registered for the offence under Sections 385/387 of the Indian Penal Code, Sections 4/5 of the Explosive Substance Act, has been rejected.

2. It has been contended on behalf of the appellant that it is a case where there is no material to connect the culpability of the appellant in the commission of crime.

3. It has been submitted that specific allegation is against one Chanda Oraon who is the named accused person demanding ransom of Rs. 2,00,000/- from the informant.

4. It has also been contended that the letter duly signed and sealed by said Chanda Oraon of making ransom from different individuals have been found but there is no incriminating material said to be recovered save and except the *purcha* but what is the content thereof, it is not evident from the material collected in course of investigation.

5. It has further been submitted that originally there is no allegation under Section 3/ 4 of the Explosive Substance Act but in course of investigation since the explosive substance has been recovered from the cave which is on the basis of the confession of said Chanda Oraon even then the appellant has been implicated under Sections 3/ 4 of the Explosive Substance Act.

6. The ground has been taken that the appellant is languishing in judicial custody since 21.07.2023 and the charge has already been framed and the case is at the stage of the evidence.

7. The learned counsel for the appellant has submitted that in view of the aforesaid grounds it is a fit case where the impugned order may be interfered with.

8. While on the other hand, Mr. Pankaj Kumar, learned Public Prosecutor appearing for the State has vehemently opposed the prayer for bail.

9. It has been submitted that the appellant is having direct nexus with the said Chanda Oraon who is the named accused.

10. It has further been submitted by referring para - 49 of the case diary where in course of investigation barrel has been found from the house of the present appellant on the pointing out of Chanda Oraon wherefrom the envelope has been found containing therein the letters written to the different individuals which itself suggests that the appellant is having close nexus in the commission of crime with the said Chanda Oraon.

11. Mr. Pankaj Kumar, learned Public Prosecutor based upon the aforesaid ground has submitted that it is not a fit case where the present appeal is to be allowed and that the present appellant is involved in eight criminal cases including the present one.

12. In response to the issue of antecedent, learned counsel appearing for the appellant has submitted that the eight

antecedents which are being shown by way of the document appended with the supplementary affidavit itself suggests that out of the eight cases including the present one, the appellant has been acquitted in three cases while in remaining four cases he is already availing the privilege of bail.

13. This Court has heard the learned counsel for the parties, gone across the findings recorded by the learned court in the impugned order, case diary and the affidavit in objection filed in pursuance the order dated 18.01.2024.

14. This Court, after appreciating the argument advanced on behalf of the parties and after going through the First Information Report and the case diary has found that the FIR is based by leveling specific allegation against one Chanda Oraon who has demanded Rs. 2,00,000/- by way of ransom from the informant.

15. Even the matter was reported to the police and in course of investigation the complicity of the said Chanda Oraon has been found, since, the letter head under seal and signature of said Chanda Oraon has been found referring the name of different individuals of locality for the purpose of demanding ransom. However, the learned Public Prosecutor has tried to impress upon the Court by referring the paragraph - 49 of the case diary as also the seizure memo.

16. We have also gone through the Para- 49 of the case diary and the seizure memo and found therefrom that a bag has been recovered from the house of the present appellant on being disclosed by the co-accused Chanda Oraon and from the aforesaid bag the reference of the letters addressed to the different individuals have been found to be there but what is the content thereof there is no investigation on that point.

17. So far as the allegation as levelled under Sections 3/ 4 of the Explosive Substances Act is concerned, it is the admitted case of the prosecution that the said explosive substance has not been recovered

on the disclosure made by the appellant, rather, on the disclosure made by the said Chanda Oraon.

18. The appellant is languishing in judicial custody since 21.07.2023 and the charge has already been framed, therefore, this Court is of the view that the impugned order needs to be interfered with.

19. Accordingly, the order dated 06.12.2023 passed by the learned A.J.C. - V, Ranchi in Misc. Criminal Application No. 3477 of 2023, is, hereby, quashed and set aside.

20. In view thereof, the instant appeal stands allowed.

21. In consequence thereof, the appellant, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J. - V, Ranchi in connection with (S. T. Case No. 693 of 2023) arising out of Bero P. S. Case No. 90 of 2023, subject to the condition that the appellant will cooperate in the trial and shall appear on each and every date before the learned trial court, failing which, the bail bond shall automatically cancelled and; further subject to the condition that one of the bailors should be the mother of the appellant.

22. Accordingly, the instant appeal stands disposed of.

(Sujit Narayan Prasad, J.)

(Arun Kumar Rai, J.)