**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**Cr. Appeal (D.B.) No. 764 of 2024**
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Prasant @ Shiv Munda @ Prasant Munda @ Lambu, aged about 41 years, son of Ram Mohan Munda, Resident of Village: Huanghatu, P.O. & P.S.: Bundu, District: Ranchi ... ... **Appellant**

**Versus**

The State of Jharkhand … … **Respondent**

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

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For the Appellant : Mr. Deepak Kumar, Advocate
For the State : Mr. Vishwanath Roy, APP
Ms. Amrita Kumari, Advocate

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**Order No. 07 / Dated: 07th December, 2024**
**I.A. No. 11162 of 2024:**

This interlocutory application has been preferred under Section 21(5) of the N.I.A., Act for condoning the delay of 06 days in preferring the instant appeal.

2. Heard learned counsel for the parties.

3. Considering the sufficient cause as has been referred in the interlocutory application and having no objection on the part of the learned APP, the delay of 06 days in preferring the appeal is hereby condoned.

4. Accordingly, the instant interlocutory application being I.A. No. 11162 of 2024 stands allowed.

**Cr. Appeal (D.B.) No. 764 of 2024**

5. The instant appeal filed under Section 21(4) of the National Investigation Agency Act, 2008, is directed against the order dated 02.05.2024 passed by the learned Additional Sessions Judge-I, West Singhbhum, at Chaibasa in Misc. Cr. Application No. 530 of 2024 by which the prayer for bail of the appellant has been rejected in connection with S.T. Case No. 201 of 2023, arising out of Manoharpur P.S. Case No. 35 of 2006 registered for the offence under Sections 147, 148, 149, 353, 307of the IPC, under Section 25(1-b)(a)/26/27/35 of the Arms Act and under Section 3, 4, of Explosive Substance Act, under Section 17 of C.L.A. Act and under Section 13 of UAP Act.

6. It has been contended on behalf of the appellant that it is a case where no direct complexity has been surfaced even though charge-sheet has been submitted.

7. Learned counsel for the appellant has submitted that the identically placed co-accused person has been directed to be released on bail by the order passed by the learned Single Judge when the offences are not under the schedule to the NIA thereafter this Court has also passed an order directing to release Nirbhik Hembrom @ Luxman Da @ Luxman @ Raman Hembrom vide order dated 17.10.2024 passed in Cr. A. (DB) No. 768 of 2024 by this Court even though against the said Nirbhik Hembrom @ Luxman Da @ Luxman @ Raman Hembrom altogether 10 criminal antecedents have been found to be there although the said aspect of the matter is not recorded in the order dated 17.10..2024 with respect to the appellant- Nirbhik Hembrom @ Luxman Da @ Luxman @ Raman Hembrom but the said fact is admitted as per the history sheet regarding the antecedents are concerned. It has been submitted that against the present appellant fifteen criminal antecedents are there but the nature of attributability of the present appellant is exactly identical to that of the Nirbhik Hembrom @ Luxman Da @ Luxman @ Raman Hembrom and as such the case of the present appellant is at par hence the present appellant may be allowed to be released on bail.

8. While on the other hand, learned Additional Public Prosecutor appearing for the respondent-State has vehemently opposed the prayer for bail on the basis of the nature of the allegation as per the FIR having been taken note by the learned Court while considering the prayer for regular bail.

9. However, it has been admitted by the learned APP that the co-accused person has been directed to be released on bail when these offences under which the petitioner is in custody was not under the schedule to the NIA. Thereafter, the co-accused person namely Nirbhik Hembrom @ Luxman Da @ Luxman @ Raman Hembrom has been directed to be released on bail.

10. It has been submitted that against the co-accused Nirbhik Hembrom @ Luxman Da @ Luxman @ Raman Hembrom, ten criminal cases are pending and against the present appellant, fifteen criminal cases are pending. However the nature of allegation as said to be committed by the present appellant is exactly identical to that of Nirmala Kandulna @ Sanjivini Devi; Nishant Daa @ Deepak Munda @ Nishant Munda @ Tepa; Varun Topno @ Varun @ Arun @ Natwar and Nirbhik Hembrom @ Luxman Da @ Luxman @ Raman Hembrom who have been granted bail vide orders dated 13.03.2018; 04.09.2019; 23.04.2024 and 17.10.2024 passed in B.A. No. 6448 of 2017; B.A. No. 1514 of 2019; Cr. Appeal (DB) No. 412 of 2023 and Cr. Appeal (DB) No. 768 of 2024.

11. We have heard the learned counsel for the parties and gone through the FIR and also the reason for rejection of the prayer for regular bail as available in the impugned order.

12. This Court in order to appreciate the argument has considered the so parity with the case of co-accused persons who have been directed to be released on bail vide orders dated 13.03.2018 and 04.09.2019 passed in B.A. No. 6448 of 2017 and B.A. No. 1514 of 2019 by the learned single judge as also the nature of allegation as has been said to be committed by the Nirbhik Hembrom @ Luxman Da @ Luxman @ Raman Hembrom, the appellant in Cr. A. (DB) No. 768 of 2024 who have been directed to be released on bail by this Court vide order dated 17.10.2024 and found therefrom that the nature of allegation as per the FIR is exactly similar to that of the petitioner in the regular bail application and the appellant Nirbhik Hembrom @ Luxman Da @ Luxman @ Raman Hembrom, the appellant in Cr. A. (DB) No. 768 of 2024. However against Nirbhik Hembrom @ Luxman Da @ Luxman @ Raman Hembrom, ten criminal cases have said to be there as has been admitted by learned APP also. Herein against the present appellant, fifteen criminal cases are there but this Court is of the view that when the appellant having ten criminal antecedents in Cr. A. (DB) No. 768 of 2024 has been directed to be

released on bail so pendency of more five cases i.e. fifteen in number cannot be a ground to reject the prayer for regular bail of the present appellant.

13. This Court considering the nature of allegation as available against the present appellant having at par with that of Nirbhik Hembrom @ Luxman Da @ Luxman @ Raman Hembrom, is of the view that on the basis of parity, the present appellant also deserves to be released on bail.

14. Accordingly, the order dated 02.05.2024 passed in Misc. Cr. Application No. 530 of 2024 in connection with S.T. Case No. 201 of 2023, arising out of Manoharpur P.S. Case No. 35 of 2006**,** is hereby quashed and set aside.

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

16. 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 Additional Sessions Judge-I, West Singhbhum, at Chaibasa in connection with S.T. Case No. 201 of 2023, arising out of Manoharpur P.S. Case No. 35 of 2006 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 learned trial court is at liberty to take appropriate course in accordance with law.

17. Accordingly, the instant appeal stands disposed of.

**(Sujit Narayan Prasad, J.)**

**(Navneet Kumar, J.)**

*Basant /S.Das*