IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (DB) No. 1498 of 2024

Kartik Kumar @ Kartik Yadav, aged about 24 years, S/o Shiv Yadav, Sex-Male, R/o Chhatabad, Kailudih, Katras, P.O. + P.S. - Katras, District-Dhanbad, Jharkhand.

... ... Appellant

Versus

The State of Jharkhand **... ... Opp. Party**

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

For the Appellant : Mr. Aman Kumar Rahul, Advocate
For the Respondent : Mr. Prabir Kumar Chatterjee @ Prabir Chatterjee, APP

Order No. 04 : Dated 10th December, 2024

1. The instant appeal, filed under Section 21(4) of the National Investigating Agency Act, 2008, is directed against the order dated 14.08.2024 passed in A.B.P. No. 2446 of 2024 by learned Additional Sessions Judge VI, Dhanbad in connection with Katras P.S. Case No. 236 of 2023 registered under Sections 147, 148, 149, 323, 324, 325, 326, 307, 353, 337, 338, 427, 436 of the Indian Penal Code as also under Section 25(1-B)(a)/26/35 of the Arms Act and Section 3/4 of the Explosive Substance Act, pending before the learned SDJM, Dhanabd, whereby and whereunder the anticipatory bail of the appellant has been rejected.

2. Learned counsel for the appellant has submitted that other co-accused persons, namely Rajeev Kumar Yadav @ Rajeev Yadav vide order dated 18.0-6.2024 in Cr. Appeal (DB) No. 3 of 2024; Janardhan Yadav vide order dated

20.02.2024 in Cr. Appeal (DB) No. 96 of 2024; Madhusudan Yadav and Manseshwar Yadav vide order dated 18.06.2024 in Cr. Appeal (DB) No. 106 of 2024; Md. Aftab Ansari and Md/ Shahanwaj Ansari vide order dated 19.03.2024 in Cr. Appeal(DB) No. 2162 of 2023; Subham Ansari and others vide order dated 17.01.2024 in Cr. Appeal (DB) No. 1745 of 2023; Omkar Yadav vide order dated 05.12.2023 in Cr.Appeal (DB) No. 1642 of 2023; Bablu Yadav vide order dated 05.12.2023 in Cr.Appeal (DB) No. 1485 of 2023; Arshad Alam and others vide order dated 05.12.2023 in Cr. Appeal (DB) No. 1430 of 2023; Md. Mudassar Nisar vide order dated 05.12.2023 in Cr. Appeal (DB) No. 1431 of 2023; Md. Dara Ansari vide order dated 05.12.2023 in Cr. Appeal (DB) No. 1442 of 2023; Bikash Kumar @ Bikash vide order dated 05.12.2023 in Cr. Appeal (DB) No. 1491 of 2023 and Ajay Kumar Bhuyain and others vide order dated 05.12.2023 in Cr. Appeal (DB) No. 1589 of 2023, have been granted anticipatory bail by this Court and case of the present appellant stands on similar footing.

3. The aforesaid fact has not been disputed by learned APP appearing for the State.

4. We have heard learned counsel for the parties and gone across the finding recorded by the learned court in the impugned order.

5. It appears from the material available on record particularly from FIR that scuffle took place in between two groups in the locality which falls under Katras Police Station for the reason of theft of battery charger of toto (e-rickhaw). The same was prohibited by a section of people, who are of other religion and in course thereof, the persons against whom the allegation of theft was alleged was tried to be protected from another group, who are of another religion. In course of quarrel, stone was also pelted, upon which, the police reached there, who also got injury. But as per prosecution version, there is no grievous injury, as per injury report.
6. This Court, on the basis of aforesaid fact and further taking into consideration the fact that there is no specific attributability against the appellant and further after completion of investigation, the charge-sheet has also been submitted as also the fact that other co-accused persons have been granted regular bail as also anticipatory bail by this Court, as mentioned in the preceding paragraph, is of the view that the impugned order requires interference.
7. Accordingly, the impugned order dated order dated 14.08.2024 passed in A.B.P. No. 2446 of 2024 in connection with Katras P.S. Case No. 236 of 2023 is hereby quashed and set aside.
8. In view thereof, the instant appeal stands allowed.

9. In consequence thereof, the appellant, above named, is directed to surrender before the learned court below within a period of four weeks from today and on his surrender, he shall 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 SDJM, Dhanbad in connection with Katras P.S. Case No. 236 of 2023, subject to the conditions that the appellant shall co-operate in the trial and shall not absent himself on the date fixed without any cogent cause; and shall not commit offence of the like nature. In failure, the learned court shall have liberty to pass appropriate order in accordance with law so that trial be not hindered and further that one of the bailors should be close relative of the appellant, which is to be accompanied by affidavit justifying that such bailor is close relative of the appellant.

10. It is made clear that any observation(s) made hereinabove is only for the purpose of consideration of bail having no bearing with the trial.

11. Accordingly, the instant appeal stands disposed of.

(Sujit Narayan Prasad, J.)

(Navneet Kumar, J.)

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