

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.828 of 2024

Arising Out of PS. Case No.-26 Year-2023 Thana- NIA District- Patna

Binod Mishra @ Vinod Kumar Mishra @ Vinod Kumar @ Vinod Mishra S/o
Late Jag Narayan Mishra R/o Village - Hudrahi, P.S. - Tekari, District - Gaya
(Bihar)

... .. Appellant

Versus

The Union of India through National Investigation Agency, New Delhi,
Branch Office Patna, Bihar

... .. Respondent

Appearance :

For the Appellant	:	Mr. Arvind Kumar Mouar, Advocate Mr. Raj Krishna Jha, Advocate
For the NIA	:	Mr. Manoj Kumar Singh, Special PP Mr. Ankit Kumar Singh, Advocate Mr. Prabhat Kumar, Advocate Mr. Sanjay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

and

HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 24-12-2025

Heard learned counsel for the appellant and learned
Special PP for the National Investigation Agency (in short 'NIA')
as also perused the case diary and the chargesheet.

2. This appeal has been preferred challenging the order
dated 29.05.2024 passed by the learned Special Judge, NIA, Patna
in connection with Special Case No. 02/2024 arising out of NIA,
New Delhi P.S. Case No. RC/26/2023/NIA/DLI dated 31.08.2023
registered for the offences alleged under Sections 153A, 216A/34
of the Indian Penal Code and under Sections 13, 18 and 20 of the



Unlawful Activities (Prevention) Act, 1967. The appellant prays for regular bail in connection with this case. He is in incarceration since 21.03.2024.

3. The prosecution case is based on the self-statement of one Gulshan Kumar, the Sub-Divisional Police Officer, Tekari, Gaya registered on 10.08.2023 at 10:30 AM giving rise to Tekari P.S. Case No. 480 of 2023 dated 10.08.2023. In his self-statement, the S.D.P.O. (informant) has alleged that on 09.08.2023, he got a secret information from the Central Agency that the dreaded Naxal Pramod Mishra and Anil Yadav are staying in the house of this appellant in village Hurrahi under Tekari Police Station and they are trying to strengthen and expand the organization in the Magadh Area by conducting meetings. On the basis of this information, the informant proceeded to verify it and on 10.08.2023, the police force surrounded the house of the appellant, in course of raid, two persons were found who disclosed their names as (1) Pramod Mishra @ Sohan Da @ Banbari Jee @ Bibi Jee @ Baba aged about 71 years and (2) Anil Yadav @ Ankush @ Lavkush aged 29 years. It is alleged that the associates of these persons having sensed arrival of police had fled away. On search, from the possession of the two Naxals, one blue-coloured bag was seized from which in a purse seven notes of Rs.500/- and four notes of Rs.100/- total Rs.3,900/-, four letters for strengthening Naxal organization, one book containing 'Dadi



Gharelu Nukse', one book, namely, *Dihgam Yog Sandesh*, another book, namely, *Dastak* and four memory card readers and from the door, one Honda Shine Motorcycle were seized. Since no one was ready to become seizure list witness, therefore, the two Constables who were members of the raiding party became seizure list witnesses. Both the Naxals who were caught there, they made their disclosure statements.

4. Learned counsel for the appellant submits that so far as this appellant is concerned, during investigation, no material much less sufficient materials have been found against him to show that he is involved in any Naxal activities. There is no material that he was present in any of the meetings with said Pramod Mishra and Anil Yadav. The reason for presence of Pramod Mishra in the house of the appellant is that Pramod Mishra happens to be the co-brother (*sadhu*) of this appellant and from the disclosure statement of Pramod Mishra itself, it would appear that he had reached the house of the appellant all of a sudden during the night hours when the appellant and his wife were alone in the house.

5. Learned counsel submits that the disclosure statements of Pramod Mishra as well as Anil Yadav have been obtained by the NIA and on a bare perusal of the disclosure statements, it would appear that they have not stated a single word about the involvement of this appellant in any of the criminal activities. The NIA has not



gathered any evidence to show that any meeting was ever held in the house of the appellant.

6. Learned counsel submits that the appellant has no criminal antecedent and he has been implicated in this case solely because of his being a relative of Pramod Mishra. The appellant has remained in custody for over one and half year and altogether 45 witnesses are to be examined out of whom only 7 witnesses have been examined so far.

7. On the other hand, learned Special PP for the NIA would submit that Pramod Mishra happens to be a dreaded Naxal, he and his associate Anil Yadav were arrested from the house of this appellant. The appellant happens to be a relative of Pramod Mishra being his co-brother. It is his submission that Pramod Mishra and Anil Yadav were involved in strengthening and expanding the organization in the Magadh Area and for their activities, they were taking the house of this appellant as a safe stay.

8. Learned Special PP further submits that the NIA has filed chargesheet against the appellant and there are sufficient materials to *prima-facie* show that the appellant is involved in harbouring the main accused Pramod Mishra.

9. We have considered the rival submissions at the Bar and also perused the records. In course of hearing, we called upon learned Special PP for the NIA to demonstrate from the case diary or



from the deposition of the witnesses so far that there is any evidence to the effect that any meeting of the Naxals was held in the house of this appellant or this appellant was found present in any of the meetings.

10. Learned Special PP for the NIA could not demonstrate that material from the record.

11. This Court has gone through the disclosure statements of Pramod Mishra and Anil Kumar Yadav. Perusal of the disclosure statements would show that they had reached the house of the appellant all of a sudden, there is no material to show that they were regularly staying in the house of the appellant or that any Naxal activity was being carried out from the said house. No arms or ammunition has been found either in the house or from the possession of the persons arrested therefrom.

12. Having regard to the materials which we have noticed hereinabove, particularly, that there is no material to connect the appellant with any Naxal activity, there is no material that any activity was being conducted from his house or that he was participating in the said activity of the Naxals, further considering that the appellant has remained in jail for one and half year, he has no criminal antecedent and the trial is not likely to be concluded in near future, we set aside the impugned judgment/order of the learned Special Judge, NIA and direct



release of the appellant on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NIA, Patna in connection with Special Case No. 02/2024 arising out of NIA, New Delhi P.S. Case No. RC/26/2023/NIA/DLI, subject to the condition that during the trial, the appellant shall present himself on the dates fixed in the matter and, in case of two consecutive defaults in putting appearance, his bail bond shall be cancelled by the learned trial court.

13. This appeal is allowed.

14. The case diary and other materials are being returned to the NIA.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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CAV DATE	
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