Neutral Citation
2026:JHHC:31157-DB

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (DB) No. 1120 of 2026

Ramjit Nagesiya @ Ramu, S/o Baneshwar Nagesiya @ Baniya, R/o Rorael Yomia Toli, P.O. & P.S.- Pesrar, Kiso, Dist.- Lohardaga. **... Appellant**

Versus

Union of India through National Investigating Agency

... Respondent

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE RAM SHARMA

For the Appellant: Mr. Abhinav Kumar, Adv.
For the NIA : Mr. Amit Kumar Das, Sr. Adv.

04/26.10.2026 Heard Mr. Abhinav Kumar, learned counsel for the appellant and Mr. Amit Kumar Das, learned senior counsel appearing for the NIA.

2. This appeal is directed against the order dated 27-07-2026 passed in Misc. Criminal Application No. 1490/2026 in connection with Special (NIA) Case No. 02/2020 arising out of RC No. 25/2020/NIA/DLI (Chandwa P.S. Case No. 158/2019) by the learned Additional Judicial Commissioner-XVI-cum Special Judge, NIA, Ranchi, whereby and whereunder, the prayer for bail of the appellant has been rejected.

3. The prosecution case is that on 22.11.2019 at 8:00 P.M., a patrolling party of Chandwa Police Station in course of patrolling duty stopped at Lukuiya More at Chandwa. It has been alleged that the cadre of banned terrorist organization i.e. CPI (Maoist) who were waiting in advance, fired indiscriminately at the police patrolling party which led to the death of 4 police personnel. Arms and ammunitions were also looted from the martyred police personnel and by raising slogans, the Maoists

fled away. Later on, one of the Home Guard namely, Dinesh Ram who had escaped unhurt, rushed to the Chandwa Police Station and lodged a complaint.

Based on the aforesaid allegations, Chandwa P.S. Case No. 158 of 2019 was instituted against 18 named and some unknown accused persons. On completion of investigation, chargesheet was submitted against Baijnath Ganjhu, Sunil Ganjhu @ Mangra, Rajesh Kumar Ganjhu, Sanjay Ganjhu, Naresh Ganjhu and Faguna Ganjhu. The Central Government in exercise of its power conferred under Sub-section (5) of Section 6 read with Section 8 of the National Investigating Agency Act, 2008 vide M.H.A. New Delhi, CTCR Division Order no. 11011/42/2020/NIA dated 22.06.2020 directed the NIA to take up the investigation and accordingly, Chandwa P.S. Case No. 158 of 2019 was re-registered as R.C. No. 25 of 2020/NIA/DLI under Sections 147, 148, 149, 452, 302, 353 & 379 of Indian Penal Code, under Section 27 of the Arms Act, under Section 17 (i) & (ii) of Criminal Law Amendment Act and under Sections 10, 13, 17 and 18 of Unlawful Activity (Prevention) Act, 1967. The NIA had submitted the first supplementary charge-sheet against 34 persons for the offences punishable under Sections 120 (B), 121, 121 (A), 122, 147, 148, 149, 302, 307, 353, 395, 396 & 427 of Indian Penal Code, under Sections 10, 13, 16, 17, 18, 20, 21, 38, 39 & 40 of Unlawful Activities (Prevention) Act, 1967 and under Sections 25 (1-b) a, 26, 27 & 35 of the Arms Act.

4. It has been submitted by Mr. Abhinav Kumar, learned counsel for the appellant that the appellant is not named in the First Information Report and has been implicated on the confession of a co-accused. The appellant did not take part in the indiscriminate firing made upon the police personnel and has been alleged to be an overground worker of the extremist outfit giving details of the movement of the police and on similar

allegations, one of the co-accused, namely, Faguna Ganjhu has been granted bail in Criminal Appeal (DB) No. 325/2026. It has been submitted that the appellant is in custody since 04-11-2020 and there is no chance of the trial being concluded in the near future.

5. Mr. Amit Kumar Das, learned senior counsel for the NIA has submitted that the appellant is a Sub-Zonal Commander of CPI (Maoist) and was an active member in the conspiracy hatched by the extremist outfit to eliminate police personnel by carrying out an attack on them. It has been submitted that the indiscriminate firing by the extremists has led to the death of 04 police personnel. The appellant was a member of the Observing Team and the information supplied by the appellant led to the incident. Mr. Das, learned senior counsel has submitted that the appellant has criminal antecedents. It has also been submitted that the number of witnesses to be examined have been pruned down to 89, out of which 19 witnesses have already been examined. The allegations against the present appellant are distinct and different from that of Faguna Ganjhu who has been granted bail by a Co-Ordinate Bench of this Court.

6. We have heard the learned counsels for the respective parties and have also perused the affidavits on record.

7. The appellant has been arrayed as (A-7) in the First Supplementary Charge Sheet submitted by the Police.

8. Para 17.24 of the First Supplementary Charge Sheet reveals the specific role and activities assigned to each of the accused after conclusion of investigation and Sub Para (7) is related to the appellant which reads thus:

> *"7) Investigation has established that A-7 joined the proscribed terrorist organization, CPI(Maoist), in 2013. He was sub divisional commander of CPI(Maoist).*

He participated in the first conspiracy meeting held at Budha Pahar in September, 2019 where it was decided to do major incidents in Lohardaga of Oct, 2019, he was present in the 2nd conspiracy Latehar districts. In the month of meeting held at Bulbul forest, in which it was decided to lay an ambush on Police PCR vehicle at Lukuiya More. In this regard, a team of 18-20 cadres of CPI(M) were constituted, including him, under the leadership of A-14 and A-17. After reaching at Beerjangha forest, A-14 took a 3rd meeting and constituted 03 teams as Recce/Observing team, Attacking team & Supporting team. A-7 was detailed in Recce/Observing team along with A-20 & A-21. On 2.11.2019, A-7 was deployed, along with walkie-talkie, with A-1 at Hotel Sunil on Lohardaga road, to give information, through walkie-talkie, about the movement of Police PCR Vehicle.

*Therefore, as per averments made in the pre-para, it is established that A-7 was an active member of CPI (Maoist), a proscribed organization and was part of the meeting in which conspiracy was hatched, among co-accused, with common intention, and assisted co-accused to assemble with deadly weapons at Lukuiya More to carry out terrorist attack on the police patrolling party which resulted in the killing of 04 police personnel and subsequently, snatching/ looting of Government issued arms and ammunition. Thereby, A-7 committed offences u/s 120B r/w 147, 148, 149, 302, 307, 353, 396, 427, 121, 121A of Indian Penal Code, Sections 16, 18, 20 and 38 of The Unlawful Activities (Prevention) Act 1967, as amended 2019.***”***

9. It appears from the first Supplementary Charge Sheet

that three teams were constituted by the extremists and the name of the appellant figures in the first team which included other accused persons as well and the specific duty assigned to this team was for observing and carrying out recee of the place where the incident finally occurred. The Observing Team initially comprised of the appellant, Kajeesh Ganjhu and Surajnath Kherwar and they were joined by Faguna Ganjhu, Sanjay Ganjhu and Baijnath Ganjhu. The information about the movement of the Police was given through walkie talkie. Admittedly, the appellant was not a member of the attacking party and even the protected witness "A" and "C" have identified him as passing information to the members of the extremist outfit on the date of the incident. In similar circumstances, one of the co-accused Faguna Ganjhu, who was also an over ground worker providing logistical support by way of supplying information about the movement of the Police has been granted bail by a Co-ordinate Bench of this Court in Cr. Appeal (DB) No. 325/2026. Another of the co-accused Baijnath Ganjhu has been granted bail in Cr. Appeal (DB) No. 1132/2025. Though learned senior counsel for the appellant has submitted that the appellant has got three criminal antecedents, but regard being had to the role played by the appellant in the entire episode, his period of custody which is since 04-11-2020, there being remote possibility of the trial being concluded in the near future and some of the co-accused, in similar circumstances, having been granted bail, we are inclined to allow this appeal.

10. Accordingly, in view of the above, we hereby set aside the order dated 27-07-26 passed in Misc. Criminal application No. 1490/2026 in connection with Special (NIA) Case No. 02/2020 arising out of RC No. 25/2020/NIA/DLI (Chandwa P.S. Case No. 158/2019) by the learned Additional Judicial Commissioner-XVI-cum-Special Judge, NIA, Ranchi and direct

that the appellant be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Judicial Commissioner-XVI-cum-Special Judge, NIA, Ranchi in connection with Special (NIA) Case No. 02/2020, subject to the condition that the appellant shall remain physically present before the learned trial court on each and every date till the conclusion of the trial unless prevented by sufficient cause.

11. This appeal is **allowed.**

12. Pending I.A.(s), if any, stands closed.

(RONGON MUKHOPADHYAY, J.)

(RAM SHARMA, J.)

Dated: 26th October, 2026
Preet/-
Uploaded on: 26/10/2026.