(2026:JHHC:26854)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.2696 of 2026

Ajay Kumar aged about 32 years, S/o Mundrika Chaudhary, R/o Village-Adarsh Nagar, Purana Bus Stand, Ward No.22, Jhumari Taliya, P.O.-Jhumari Taliya, P.S.-Taliya, District-Koderma (Jharkhand).

… Petitioner

Versus

The State of Jharkhand … Opposite Party

For the Petitioners : Mr. Kripa Shankar Nanda, Advocate
For the State : Mr. P.K. Chatterjee, Spl.P.P.

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the BNSS, 2023 with a prayer to quash and set aside the part of the order dated 22.02.2024 passed by the learned Sessions Judge, Hazaribagh in A.B.P. No.2246 of 2023 arising out of Gorhar P.S. Case No.36 of 2023 whereby and whereunder the learned Sessions Judge, Hazaribagh has granted anticipatory bail to the petitioner with the condition that the petitioner being the owner of the vehicle shall deposit Rs.50,000/- in the Nazarat of

Civil Court, Hazaribagh subject to the outcome of the case and without prejudice to the defence of the petitioner.

3. Learned counsel for the petitioner submits that the petitioner is unable to deposit an aforesaid Rs.50,000/-, hence, he is not able to furnish bail bond and also submitted that deposit of ₹ 50,000/-as a condition of anticipatory bail is not in accordance with law, hence, the said condition be quashed and set aside.

4. Learned Spl.P.P. appearing for the State on the other hand vehemently opposes the prayer of the petitioner made in the instant Cr.M.P and submits that the learned Sessions Judge, Hazaribagh has not applied the mind to the merits of the case, hence, it is submitted that the entire impugned order be quashed and set aside and the matter be remanded to the learned Sessions Judge, Hazaribagh to pass an appropriate order on the merits of the case.

5. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that it is a settled principle of law that bail is to be considered on its own merit without any condition of depositing any money. It appears that the learned Sessions Judge, Hazaribagh without considering the merits of the case has granted anticipatory bail to the petitioner subject to condition of depositing Rs.50,000/- which is not in accordance with law, hence, the order dated 22.02.2024 passed by the learned Sessions Judge, Hazaribagh in A.B.P. No.2246 of 2023 arising out

of Gorhar P.S. Case No.36 of 2023 being not sustainable in law is quashed and set aside.

6. The A.B.P. No.2246 of 2023 is remitted to the Court of learned Sessions Judge, Hazaribagh to pass a fresh order in accordance with law without prejudice to this order passed in this case.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 07th of September, 2026
AFR/ Abhiraj

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