IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. A (DB) No.1236 of 2025

Baban Bhokta @ Baban Ganjhu @ Baban Ji @ Baban Singh Bhokta aged about 32 years, Son of Chandar Ganjhu Resident of Vill- Hara, P.O. and P.S.- Pratappur, District- Chatra

… … …Appellant

Versus

The State of Jharkhand … … … Respondent

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Abhay Kr. Chaturvedy, Advocate
For the State : Mr. Abhay Kumar Tiwari, A. P. P.

Order No.09/Dated 27th April, 2026

1. The instant appeal under section 21(4) of the National Investigation Agency Act, 2008 has been directed against the order dated 17.07.2025 passed by the learned Additional Sessions Judge-III, Chatra whereby and whereunder the prayer for regular bail of the appellant in connection with Pratappur P.S. Case No. 152 of 2023 corresponding to S.T. No. 09 of 2025 registered for the offences under Sections 307/34, 120(B) of the Indian Penal Code, Section 4/5 of the Explosive Substance Act, 17 (1) and 17 (2) CLA Act and Section 10/13 of UAP Act, has been rejected.

Submission of the learned counsel for the appellant

2. Learned counsel appearing for the appellant has submitted that although the prayer of regular bail of the appellant has been rejected on earlier occasion vide order dated 27.03.2025 passed in Cr. Appeal (DB) No. 1193 of 2024 on merit and the prayer for bail has been renewed on ground of the long incarceration, since, the appellant is in custody since 25th November, 2023.

3. It has been submitted that so far as the ground which has been agitated on behalf of the State that the appellant is having eight criminal antecedents is concerned, the appellant has already been directed to be released on bail in all the pending criminal cases against him.

4. The submission has been made that taking into consideration, the long incarceration of the appellant, the impugned order may be interfered with so that the appellant may be released from judicial custody.

Submission of the learned Counsel for the state:

5. Mr. Abhay Kumar Tiwari, learned Additional Public Prosecutor appearing for the State has vehemently opposed the prayer of bail of the appellant.

6. It has further been submitted that, altogether, eight chargesheet witnesses are cited, out of whom five have already been examined. The submission, therefore, is that, if at this stage the appellant is directed to be released on bail, then, having regard to his involvement in eight criminal cases of like nature, the trial would stand prejudiced.

7. It has further been submitted that mainly because the bail has been granted in the several pending criminal cases that does not amount that the appellant is having no criminal antecedent.

8. Learned Additional Public Prosecutor, therefore, on aforesaid grounds, has submitted that the impugned order may not be interfered with.

Analysis

9. We have heard learned counsel for the parties and gone through the findings recorded by the learned court in its impugned order, the case diary and the objection filed on behalf of the State on 04.02.2026.

10. The case has been instituted under Sections 307/34 and 120-B of the Indian Penal Code, Sections 4 and 5 of the Explosive Substances Act, Section 17(i)(ii) of the CLA Act, and Sections 10 and 13 of the Unlawful Activities (Prevention) Act. The prayer for bail of the appellant had already been rejected by this Court in Criminal Appeal (D.B.) No. 1193 of 2024, vide order dated 27.03.2025, on merits. For ready reference, the relevant paragraphs of the order dated 27.03.2025 passed in Criminal Appeal (D.B.) No. 1193 of 2024 are quoted hereinbelow.

> " *11. We have heard the learned counsel for the parties and gone across the finding recorded by the learned trial Court in the impugned order as also the case diary, as has been called for vide order dated 22.11.2024 and based upon the affidavit-in-objection filed on behalf of the respondent-State.*
> *12. It is evident from the case diary that the appellant has been apprehended from the spot and on his disclosure, cane bombs of 2 Kg each, 20 pieces electric detonator etc. had been recovered.*
> *13. The appellant is having 8 criminal cases of like nature and he has been shown to be the member of banned extremist organization.*
> *14. This Court, considering the aforesaid fact, is of the view that it is not a case where the order impugned needs to be interfered with.*
> *15. In the result, the instant appeal fails and is dismissed."*

11. It is evident from the aforesaid order that while rejecting the prayer for bail, this Court had taken into consideration the culpability of the appellant in the alleged commission of crime, particularly the fact that, on his disclosure, one cane bomb of 2 kg each, twenty pieces of electric detonators, etc., had been recovered. In addition, thereto, this Court had also taken into account that eight criminal cases of like nature are pending against the appellant and he has been shown to be the member of banned extremist organization.

12. In the instant appeal, two-fold grounds have been urged for renewing the prayer for bail by assailing the impugned order. The first ground relates to the incarceration of the appellant since 25.11.2023, and the second ground is that, in other eight criminal cases which has been instituted against him, the appellant has already been directed to be released on bail.

13. So far as the incarceration is concerned this Court is of the view that merely on account of long incarceration i.e. about two years and six months in the instant case, the prayer for bail of the appellant cannot be acceded to. Rather, the nature of the crime alleged to have been committed by the appellant/accused must be considered, so as to maintain the balance of justice and uphold the rule of law.

14. The Hon'ble Apex Court in its recent judgment in the case of ***Gulfisha Fatima versus State (Govt. of NCT of Delhi) 2026 LiveLaw (SC) 1*** has categorically observed that Prosecutions under the UAPA may allege varying degrees of participation, ranging from peripheral acts to strategic, organizational, or ideological centrality. The constitutional significance of prolonged incarceration cannot be assessed uniformly for all accused regardless of role. Where the attribution suggests a central or organising role in the alleged design, the need for circumspection before constitutional intervention displaces a statutory embargo is correspondingly greater. Conversely, where the role is peripheral or episodic, prolonged incarceration may more readily assume a punitive character.

15. It requires ton refer herein that There is no dispute and it cannot be disputed that the jurisprudence of Article 21 has, as it develops, recognized various facets to be intrinsic to the right to life and liberty such as speedy trial,

timely completion of investigation, fair trial etc. but at the same time circumspection in granting the relief of bail in offences that harmful to society such as in this case, stems from a place of concern, understandably legitimate at that, about public order, societal security, overall peace and the general deterrent force in criminal law.

16. The scales of justice must balance on the one hand-the constitutionally consecrated and jealously guarded right under Article 21 and on the other, the recognition that individual liberty is not absolute and is subject to just exceptions i.e. the paramount considerations of national interest and societal interest.

17. There can be no manner of doubt on the proposition that Article 21 rights are placed on a pedestal, and rightly so, at the same time, though, the individual cannot always be the centre of attention. We observe, therefore, that while Article 21 rights must always be protected, but however, in cases where the security of the society and nation is called into question, the long incarceration cannot be the sole ground of consideration.

18. The act of the accused persons must be looked at, on the whole, and all relevant factors must be given due consideration while granting or denying bail. Needless to add, any Court seized of bail application(s) arising out of such offences must record, in their order the reasons and factors that weighed with them in the ultimate outcome.

19. In view of the discussion made above it is the settled fact that the rights of an individual are always subservient to the nation/societal interest.

20. Further, while considering the issue of incarceration, this Court has perused the case diary and found at paragraph 5 that the appellant has been

referred to as the Zonal Commander of the CPI (Maoist), which is a banned organization in the State of Jharkhand.

21. Further, it is evident from the record that the appellant's involvement has been shown in altogether eight criminal cases of like nature. Although it has been urged that in all such cases the appellant has been directed to be released on bail, but it is well settled that the grant of bail is distinct from acquittal in a criminal case. Merely because the concerned accused has been granted bail in those cases, it cannot lead to the conclusion that he is having no criminal antecedents.

22. The details of all the cases instituted against the appellant have been referred to in the counter affidavit, as is evident from Annexure-A annexed thereto and after going through the same, it has been found that the cases are like nature i.e under the UAPA, Explosive Substance Act, Crime Control Act etc. for reference, the detail of the cases have been referred herein:

> *"चतरा जिला -*
>
> *1. प्रतापपुर थाना कांड सं0-152/2023, दिनांक-24.11.2023. धारा-307/120बी/34 भा०द०वि०. 4/5 विष्फोटक पदार्थ अधिनियम, 17 (i) (ii) सी०एल०ए० एक्ट एवं 10/13 यू०ए०पी० एक्ट ।*
>
> *2. प्रतापपुर थाना कांड सं0-88/2022. दिनांक-24.06.2022, धारा-17(i) (ii) सी०एल०ए० एक्ट ।*
>
> *3. प्रतापपुर थाना कांड सं0-119/2022, दिनांक-19.09.2022, धारा-147/148/149/332/333 /353/326/307 भा०५०वि०, 27 आर्म्स एक्ट, 17(1) (ii) सी०एल०ए० एक्ट एवं 10/13/16(ii) /20 यू०ए०पी० एक्ट।*
>
> *4. प्रतापपुर थाना कांड सं0-03/2019. दिनांक-07.01.2019, धारा-147/148/149/323/307 /386/387/436 भा०द०वि०, 17(i) (ii) सी०एल०ए० एक्ट एवं 27 आर्म्स एक्ट ।*
>
> *5. कुन्दा थाना कांड सं0-16/2019, दिनांक-03.03.2019, धारा-120ए/121 भा०द०वि०, 3/4/5 विष्फोटक पदार्थ अधिनियम एवं 17 (i) (ii) सी०एल०ए० एक्ट।*
>
> *6. कुन्दा थाना कांड सं0-56/2022, दिनांक-07.12.2022, धारा-385/387/435/427/506/34 भा०द०वि० एवं 17 (i) (ii) सी०एल०ए० एक्ट।*

7. हंटरगंज थाना कांड सं0-102/2023, दिनांक-01.06.2023, धारा-341/342/323/307/386 / 34 भा०द०वि० (अप्राथमिकी अभियुक्त)

8. चतरा सदर थाना कांड सं0-390/2022, दिनांक-13.12.2022, धारा-147/148/149/427/435/387/506 भा०द०वि०, 10/13 यू०ए०पी० एक्ट एवं 17 सी०एल०ए० एक्ट ।

पलामू जिला :-

1. छतरपुर थाना कांड सं0-161/2023,

23. This Court has further found from the status report called for by this Court vide order dated 30.03.2026, wherefrom it is evident that out of the eight charge sheeted witnesses altogether five charge sheeted witnesses have already been examined up to17.04.2026.

24. Learned State Counsel has submitted that only three witnesses remain to be examined and, as such, at the fag end of the trial, allowing the prayer of the appellant for bail would prejudice the trial, particularly in view of the criminal antecedents of the appellant.

25. This Court is in agreement with the aforesaid submission, particularly taking into consideration the culpability of the present appellant in the alleged crime and his criminal antecedents.

26. On the basis of the discussion made hereinabove, and particularly taking into consideration the culpability of the present appellant in the alleged crime, as well as the fact that his earlier prayer for bail has already been rejected, and further bearing in mind that only three chargesheet witnesses remain to be examined, this Court is of the considered view that the instant appeal is not fit to be allowed.

27. Accordingly, this Court is of the view, that the impugned order dated 17.07.2025 passed by learned Additional Sessions Judge-III, Chatra, in Misc.

Criminal Application no. 1321 of 2025 by which prayer for bail of the appellant has been rejected, requires no interference.

28. Accordingly, the instant Appeal being Criminal Appeal (DB) No.1236 of 2025 is, hereby, dismissed.

29. The State is directed to ensure production of the remaining witnesses without fail, so that the learned Trial Court may conclude the trial at the earliest.

(Sujit Narayan Prasad, J.)

(Sanjay Prasad, J.)

Date : 27.04.2026
Kamlesh/ Nishant/-