(2026:JHHC:26503)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1342 of 2026

Ajamber Nayak, aged about 48 years, son of Bipin Nayak, resident of village-Rajgown, P.O. + P.S.-Gamharia, District-Seraikella (Kharsawan).

… Petitioner

Versus

The State of Jharkhand … Opposite Party

For the Petitioner : Mr. Arvind Kr. Choudhary, Advocate
For the State : Mrs. Bandana Sinha, Addl.P.P.

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

I.A. No.11572 of 2026

Heard the parties.

Learned counsel for the petitioner submits that this interlocutory application has been filed with the prayer for early hearing of the instant Cr.M.P.

Since, the hearing of instant Cr.M.P. is taken up today, hence, this interlocutory application stands disposed of being infructuous.

(Anil Kumar Choudhary, J.)

I.A. No.11553 of 2026

Learned counsel for the petitioner submits that this interlocutory application has been filed with the prayer to amend this Cr.M.P. by incorporating that the impugned order dated 11.04.2025 has been passed in Criminal Appeal No.16 of 2025 arising out of Adityapur P.S. Case No.10 of 2016 corresponding to G.R. Case No.38 of 2016 in para-01 and prayer portion of this Cr.M.P. It is next submitted that the proposed

amendment was necessitated because of the developments which took place after filing of this criminal miscellaneous petition. It is next submitted that the proposed amendment will not change the nature and character of this Cr.M.P. It is lastly submitted that unless the proposed amendment is allowed, the petitioner will be highly prejudiced.

Considering the aforesaid facts, the prayer for amendment made in this interlocutory application is allowed and the petitioner is directed to file a consolidated criminal miscellaneous petition incorporating the proposed amendment which is allowed by this order today.

Learned counsel for the petitioner files the consolidated criminal miscellaneous petition.

Keep the same in the record.

This interlocutory application is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Cr.M.P. No.1342 of 2026

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 the prayer to quash and set aside the impugned order dated 11.04.2025 passed in Criminal Appeal No.16 of 2025 arising out of Adityapur P.S. Case No.10 of 2016 corresponding to G.R. Case No.38 of 2016 whereby and whereunder the application for suspension of sentence of the petitioner; who is the appellant of that appeal has been rejected by the learned Additional Sessions Judge-I, Seraikella (Kharsawan).

3. Learned counsel for the petitioner submits that the petitioner has been held guilty of the offences punishable under Section 467/34 of the

Indian Penal Code and has been sentenced to undergo rigorous imprisonment for 05 years and fine with default sentence and he has also been held guilty of the offences punishable under Section 468/34 of the Indian Penal Code and has been sentenced to rigorous imprisonment for 03 years and fine with default sentence and it was ordered that both the sentences will run concurrently.

4. Being aggrieved by the judgment of conviction and order of sentence dated 01.03.2025 passed in Adityapur P.S. Case No.10 of 2016 corresponding to G.R. Case No.38 of 2016, the petitioner filed Criminal Appeal No.16 of 2025 in the Court of learned Sessions Judge, Seraikella (Kharsawan) which was transferred to the court of learned Additional Sessions Judge-I, Seraikella (Kharsawan), the petitioner being the appellant of the said appeal filed a petition for bail, but the same was rejected by the learned Additional Sessions Judge-I, Seraikella (Kharsawan). It is next submitted that the petitioner has undergone sentence of 04 months 02 days during the pendency of the trial and he has been taken into custody upon his conviction on 28.02.2025 and since that date till today, he is all along in custody.

5. Learned counsel for the petitioner then submits that there is no chance of Criminal Appeal No.16 of 2025 being heard in near future and the petitioner has very good grounds to agitate in the said appeal as there is no allegation against the petitioner of forging a document which purports to be a valuable security or a Will or an Authority to adoption or which purports to give Authority to any person to make transfer to any

valuable security or to receive the principal, interest or dividends thereon or to receive or deliver any money, movable property or valuable security or any document purporting to be an acquaintance or receipt acknowledging the payment of money or any acquaintance or receipt for delivery of money, movable property or valuable security, hence, it is submitted that the learned Appellate Court has committed a gross illegality by not granting bail to the petitioner during the pendency of the appeal, therefore, the impugned order be quashed and set aside and the petitioner be admitted to bail.

6. Learned Addl.P.P. appearing for the State on the other hand vehemently oppose the prayer of the petitioner made in the instant Cr.M.P.

7. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is apparent that the petitioner has been in custody for much more than one and a half years and during the trial he has been in custody for 04 months 02 days and he has all along been in custody since 28.02.2025 till today. It appears that though the appeal is pending before the lower Appellate Court for over a year, the same has not been heard and disposed of as yet and there is no likelihood of the said Criminal Appeal No.16 of 2025 of being heard in near future.

8. Under such circumstances, this Court has no hesitation in holding that the Appellate Court has committed an illegality in rejecting the petition for bail of the petitioner during the pendency of the Appeal vide

impugned order dated 11.04.2025 passed in Criminal Appeal No.16 of 2025 arising out of Adityapur P.S. Case No.10 of 2016 corresponding to G.R. Case No.38 of 2016 and the same is liable to be quashed and set aside.

9. Accordingly, the impugned order dated 11.04.2025 passed in Criminal Appeal No.16 of 2025 arising out of Adityapur P.S. Case No.10 of 2016 corresponding to G.R. Case No.38 of 2016, is quashed and set aside.

10. The petitioner is directed to be released on bail till the disposal of the said Criminal Appeal No.16 of 2025, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Seraikella (Kharsawan) in connection with Adityapur P.S. Case No.10 of 2016 corresponding to G.R. Case No.38 of 2016 **with the condition that the petitioner will cooperate with the hearing of the said Appeal.**

11. In the result, this Cr.M.P., is allowed to the aforesaid extent only.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 02nd of September, 2026
AFR/ Abhiraj

Uploaded on 03/09/2026