

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 8807 of 2022

Nageshwar Ganjhu @ Tarun Jee **Petitioner**

Versus

The State of Jharkhand **Opposite party**

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Rajesh Kumar Singh, Advocate

For the State : Mr. Praveen Kr. Appu, A.P.P.

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Order No.02/ Dated:31.08.2022

Heard learned counsel for the parties.

The petitioner has been made an accused in connection with Kunda P.S. Case No. 21 of 2020 corresponding to G.R. No. 1494 of 2022, registered for the offence under Section 147, 148, 149, 120(B) of the Indian Penal Code and Section 25(1-A)/25(1-B), 35, 27 of the Arms Act, 17(i) (ii) of Criminal Law Amendment Act, pending in the court of learned Additional Chief Judicial Magistrate, Chatra.

As per F.I.R., allegation is that on 07.04.2020 at about 18.15 hrs. during patrolling, police party reached near Bairiyachak at about 20:30. He received information from Manjhipara police that TPC extremists have fired 10-12 round and also assaulted some villagers. Police personals reached at the place of occurrence then villagers disclosed that TPC extremist commander Nageshwar Ganjhu @ Tarun Jee (present Petitioner) and other extremist were involved in the said crime. Some Arms and ammunitions were recovered from the place of occurrence.

Learned counsel for the petitioner has submitted that petitioner is innocent and has committed no offence at all as alleged in the F.I.R. It is submitted that except the information given by villagers there is nothing against the petitioner showing his involvement in the alleged offence. It is further submitted that no specific occurrence has been mentioned in the F.I.R. and

there is simple allegation that 10-12 round of fire arms were opened. Nothing has been recovered from the possession of the petitioner. Recovery of cartridges from the place of occurrence is not sufficient to fasten the petitioner with any liability. The petitioner is languishing in Judicial custody since 04.10.2021 without rhymes and reasons. Petitioner undertakes to co-operate in the trial of the case by remaining physically present, hence, the petitioner may be enlarged on bail.

Learned A.P.P appearing on behalf of State has opposed the prayer for bail of the petitioner and submitted that huge quantity of empty and live cartridges have been recovered and seized from the spot although no miscreants were apprehended from the place of occurrence but the local witnesses have disclosed the name of the petitioner as perpetrator in the crime, who is the area commander of TPC extremist, hence he does not deserve bail.

Considering the facts and circumstances of the case and submissions raised by the learned counsel for the parties and materials available against the petitioner, I am inclined to release the petitioner, on bail. Accordingly, the petitioner, named above, is directed to be released on bail on furnishing of bail bond of Rs. 25,000/-(Rupees Twenty Five Thousand) with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate, Chatra in connection with Kunda P.S. Case No. 21 of 2020 corresponding to G.R. No. 1494 of 2022 subject to the conditions:-

1. Petitioner shall remain physically present on each and every date till the conclusion of the trial of this case unless prevented from sufficient cause to the satisfaction of the learned trial court.
2. Petitioner shall not indulge in tampering with the prosecution evidences or influencing the prosecution witnesses.

In case of violation of the aforesaid conditions the bail of the petitioner shall be cancelled and shall be taken into custody by the learned trial court itself for the purpose of trial.

(Pradeep Kumar Srivastava, J.)