

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (DB) No. 90 of 2026

Sriram Manjhi @ Shriram Manjhi, S/o Falar Manjhi @
Phalar Manjhi, R/o Chutiyakhal, P.O. + P.S.- Chowka,
Dist.- Seraikela. ... **Appellant**

Versus

State of Jharkhand (through NIA) ... **Respondent**

PRESENT

HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant : Mr. Avishek Prasad, Adv.
For the Resp.-NIA : Mr. Amit Kumar Das, Spl. P.P.-NIA

Dated : 16/03/2026

- 1.** Heard Mr. Avishek Prasad, learned counsel for the appellant and Mr. Amit Kumar Das, Spl. P.P.
- 2.** This appeal is directed against the order dated 18-11-2025 passed by the learned Additional Judicial Commissioner-XVI-cum-Special Judge for NIA cases, Ranchi in Criminal Miscellaneous Application No. 1975/2025 in connection with Special (NIA) Case No. 04/2020 arising out of Tiruldi P.S. Case No. 16/2019, whereby and whereunder, the prayer for bail of the appellant has been rejected.
- 3.** The FIR was registered on the basis of a self-statement of Sub Inspector Dayanand Ram of Tiruldi P.S., in which it was stated that on 14.06.2019, several police personnel were on a patrolling duty and had gone to the weekly market at Kuru, for which a station diary entry was made. It has been alleged that at about 5.45 P.M, the driver of the police vehicle namely Sukhlal Kudada had informed the Munshi Bobby Jha through Mobile that about one hour back, the miscreants have murdered the

police personnel by assaulting them with 'bhujali' and had also looted arms and ammunitions. This information was entered in the station diary and it was also informed to the higher officials. After sometime, the police force had gone to the place of occurrence and found the dead body of several police personnel at the place of occurrence.

4. Based on the aforesaid allegations, Tiruldi P.S. Case No. 16 of 2019 was instituted for the offences punishable under sections 147, 148, 149, 379, 302, 353, 323, 324 and 435 of the Indian Penal Code, Section 27 of the Arms Act, Section 17 of the Criminal Law Amendment Act and Section 10/13 of the Unlawful Activities (Prevention) Act, 1967.

5. The Central Government through Ministry of Home Affairs in exercise of the powers conferred under section 6 (5) of the NIA Act, 2008 had directed the NIA to take over investigation of Tiruldi P.S. Case No. 16 of 2019. Consequently, the case was re-registered as R.C.-39/2020/NIA/DLI corresponding to Special NIA Case No. 4/2020.

6. It has been submitted by Mr. Avishek Prasad, learned counsel for the appellant that the First Information Report was instituted against unknown persons. The appellant has been implicated on the basis of suspicion on account of a motorcycle being provided purportedly by the appellant for commission of the offence. None of the protected witnesses have identified the appellant. It has been submitted that the appellant is in custody since 20-07-2019 and till date, only 27 witnesses have been examined by the prosecution out of 185 charge sheet witnesses, which would indicate that there is no chance of the trial being concluded in the near future. The appellant does not have any criminal antecedent. Mr. Prasad has submitted that absence of any incriminating materials against the appellant and his long incarceration in custody activates the prayer for bail made by the

appellant.

7. Mr. Amit Kumar Das, learned Spl. P.P.-NIA has opposed the prayer for bail of the appellant and has submitted that in course of investigation, the specific role of the appellant in the Kukru Hat incident has been unearthed. The appellant, apart from providing logistical support, was also a part of the conspirators and had provided his motorcycle for carrying out the act of terror at Kukru Hat Market. The appellant was identified by protected witness “G” through photographs and the appellant has been attributed of attending a meeting of the local supporters of (A-13) one day prior to the commission of the deadly crime. The bail application of several of the co-accused persons have been rejected by this Court as well as Co-ordinate Benches of this Court.

8. We have heard learned counsel for the respective sides and have also perused the trial court records.

9. The role of the appellant has been described in the second supplementary charge sheet submitted by the NIA which is depicted herein under:

“17.36.3: Role and additional offences established against Shriram Manjhi @ Sriram Manjhi (A-3):-*It is established that A-3 was a member of CPI (Maoist). As per direction of A-17 & A-19, he used to paste posters of CPI Maoist, before Parliamentary election of 2019, for boycotting election. The state police had seized Maoist booklet related to the boycott of election from his house, at the instance of A-2. A-3 along with A-2 & A-9, went to Arhanja forest to attend meeting on 13.06.2019, conducted by A-19 & A-17, for carrying out terrorist attack on police patrolling party at Kukruhaat bazaar. A-3 also carried out recce of Kukruhaat Baazar, before the incident, along with other*

co-accused. He provided his motorcycle, Hero Splendor model bearing registration No-JH05CC-1910, to co-accused A-2, which was used in the commission of instant crime. On 14.06.2019, A-3 kept watch on the movement of security forces at Rangamati to Nagasoreng to alert other co-accused in the commission of instant crime.

Therefore, as per averments made in pre-para, it is established that A-3 became a 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 Kukruhaat to carry out terrorist attack on police patrolling party which resulted in the killing of 05 police personnel and subsequently, snatching/ looting of Government issued arms and ammunition, wireless set and setting the vehicle on fire. Thereby, A-3 committed offences under sections 120B r/w 121, 121A, 396 of IPC, sections 16, 18, 20, 38 and 39 of The Unlawful Activities (Prevention) Act, 1967.”

10. The appellant has been arrayed as (A-3) in the second supplementary charge sheet and in course of investigation, it has come to light that the appellant has essayed various roles in the terrorist organisation. The appellant used to paste posters on the direction of (A-17) and (A-19) calling for a boycott of the Parliamentary Elections of 2019 and booklets were also seized from his house which was related to the call for boycott of the elections. The appellant had carried out a recce of Kukru Hat Bazar before the incident and had attended a meeting at Arhanja Forest to discuss the modalities of carrying out the attack on the police party. He had also provided his motorcycle bearing

Registration No. JH-05CC-1910 to (A-2) which was used in the commission of the offence. He is also said to have kept a watch on the movement of the security forces from Rangamati to Nagasoreng. From paragraph 17.32 of the Second Supplementary Charge Sheet what transpires is the identification of the appellant along with the other co-accused persons by protected witness “G” with respect to the appellant attending a meeting at Arhanja Forest a day prior to the dastardly crime at Kukru Hat Market.

12. The prolonged incarceration and the possibility of the trial being concluded any time sooner being remote appears to be the predominant argument of the learned counsel for the appellant in seeking bail, but when the backdrop of the case and the role played by the appellant is considered, the long incarceration does not become the only criteria to be considered. The allegation against the appellant and his involvement in the offence clamps down the issue of period of custody which does not become the solitary ground for grant of bail.

13. In this context, we may refer to the case of ***Gulfisha Fatima v. State (Govt. of NCT of Delhi)*** reported in **2026 SCC Online SC 10** wherein it has been held as follows:

“51. There is a further constitutional aspect that warrants articulation. Article 21 protects individual liberty. It also, within the same guarantee of life, reflects the State's obligation to protect the life and security of the community. In prosecutions alleging threats to public order and national security, the Court cannot be unmindful that both dimensions are engaged. The constitutional order is not served by an approach that treats liberty as the sole value and societal security as peripheral. Both must be accommodated through reasoned adjudication.

52. *The consequence of the above is that Najeeb (supra) must be understood as a principled safeguard against unconscionable detention. Prolonged incarceration is a matter of serious constitutional concern and carries great weight. It is not, however, the sole determinant. The Court must consider, in totality, whether continued detention has become constitutionally unjustifiable, having regard to the role attributed, the statutory context, the limited prima facie material, the trajectory of the trial, the causes of delay, and the availability of intermediate remedies.*

53. *This approach does not dilute Article 21. It gives Article 21 structured content in a field where the Constitution itself recognises competing interests. Nor does it render Section 43D(5) absolute. It recognises that statutory restraint must yield in an appropriate case where detention becomes punitive by reason of unreasonable and unjustified delay. What it excludes is a mechanical override based on time alone, divorced from legal context.*

54. *Having set out the above governing approach, this Court, in the later part of this judgment would apply these principles in a calibrated manner viz. to the claim of each of the appellants. The Court will examine, in relation to each appellant, the role attributed and whether the statutory threshold under Section 43D(5) is attracted on the prosecution material taken at its highest. Thereafter, where the plea of delay and prolonged incarceration is pressed, the Court will consider whether the circumstances warrant constitutional intervention in terms of the principles noticed above, or whether appropriate directions for*

expeditious trial would adequately address the concern expressed under Article 21.

56. *It therefore becomes necessary to state, with clarity, the governing approach. In prosecutions alleging offences which implicate the sovereignty, integrity, or security of the State, delay does not operate as a trump card that automatically displaces statutory restraint. Rather, delay serves as a trigger for heightened judicial scrutiny. The outcome of such scrutiny must be determined by a proportional and contextual balancing of legally relevant considerations, including (i) the gravity and statutory character of the offence alleged, (ii) the role attributed to the accused within the alleged design or conspiracy, (iii) the strength of the prima facie case as it emerges at the limited threshold contemplated under the special statute, and (iv) the extent to which continued incarceration, viewed cumulatively in the facts of the case, has become demonstrably disproportionate so as to offend the guarantee of personal liberty under Article 21.*

61. *To read Najeeb (supra) as mandating bail solely on account of prolonged incarceration, irrespective of the statutory context or the nature of the allegations, would be to attribute to the decision a consequence it neither intended nor supports. Such a construction would also lead to an interpretive absurdity, whereby a special statute enacted by Parliament to address offences implicating the sovereignty, integrity, and security of the State would stand effectively neutralised by the mere passage of time, even at a pre-trial stage. Such an outcome cannot be countenanced in constitutional adjudication. Accordingly, the finding in Najeeb (supra)*

is properly situated as a constitutional safeguard to be invoked in appropriate cases, and not as a mathematical formula of universal application.”

14. The allegation against the appellant would activate the embargo for grant of bail as envisaged in Section 43D(5) of the UA(P) Act, 1967 and such prima facie case being made out against the appellant, we are not inclined to grant bail to the appellant. In fact, the bail applications of several other co-accused persons, similarly situated, have been rejected in Criminal Appeal (DB) No. 234/2022, Criminal Appeal (DB) No. 1293/2024, Criminal Appeal (DB) No. 1539/2022 and Criminal Appeal (DB) No. 1604/2024.

15. Thus, on an overall conspectus of the case, we do not find any reason to interfere in the order dated 18-11-2025 passed by the learned Additional Judicial Commissioner-XVI-cum-Special Judge for NIA cases, Ranchi in Criminal Miscellaneous Application No. 1975/2025 in connection with Special (NIA) Case No. 04/2020 arising out of Tiruldih P.S. Case No. 16/2019 and consequently, we **dismiss** this appeal.

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

(RONGON MUKHOPADHYAY, J.)

(PRADEEP KUMAR SRIVASTAVA, J.)

Dated: 16th March, 2026
Preet/-
Uploaded on: 17/03/2026.