

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (D.B.) No. 348 of 2026

Pawan Kumar Yadav Appellant
Versus
The Union of India through National Investigation Agency
... .. Respondent

**CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

For the Appellant : Mr. Jitendra S. Singh, Advocate
For the Respondent : Mr. A. K. Das, Special P.P.

6/05.05.2026 I. A. No. 3393 of 2026:

Heard Mr. Jitendra S. Singh, learned counsel appearing for the appellant and the learned Special P.P. appearing for the State.

This interlocutory application has been preferred by the appellant for grant of bail to him during the pendency of this appeal.

The appellant has been convicted for the offences under Sections 120B/384 & 120(B)/386 of I.P.C., Sections 17, 18 & 20 of the UA(P) Act, Section 25(1-A) of the Arms Act and Section 17 of the CLA Act and has been sentenced to undergo rigorous imprisonment for 10 years along with a fine of Rs. 25,000/- for the offences under Sections 17, 18 & 20 of the UA(P) Act.

It has been alleged that on 03.12.2018 an information was received by the informant that some members of an extremist group had gathered at Titir Mahua Forest and four of the miscreants have been apprehended. On a search of their person, several arms and ammunition were recovered. Based on the written report of the informant, Balumath P. S. Case No. 225 of 2018 was instituted.

Considering the gravity of the offence, the Central Government in exercise of the powers conferred under sub-section 5 of Section 6 read with Section 8 of the National Investigation Agency Act, 2008 vide MHA, New Delhi CTCR Division Order No. - 11011/30/2019/IS-IV dated 24.06.2019 directed the NIA to take up investigation of Balumath P. S. Case No. 225 of 2018 consequent to which the same was re-registered as RC-13/2019/NIA DLI under Section 25(A-1), 26(2) & 35 of the Arms Act, Sections 17(i) (ii) of the Criminal Law (Amendment) Act, 1908 and Sections 10 & 13 of the Unlawful Activities (Prevention) Act, 1967.

On completion of investigation, charge-sheet was submitted and after the trial proceeded, the appellant was convicted and accordingly sentenced.

Submission has been advanced by Mr. Jitendra S. Singh, learned counsel for the appellant that there are several inconsistencies in the evidence of the witnesses. He has further submitted that the appellant is in custody from 04.12.2018 to 10.03.2025 and after his conviction he is in custody since 07.02.2026 which would mean that the appellant has completed more than 6 and half years in custody.

Mr. A. K. Das, learned Special P. P. has opposed the prayer for bail and has submitted that on finding sufficient evidence, the appellant has rightly been convicted by the learned trial court. It has further been submitted that presumption under Section 43-D (5) of the Unlawful Activities (Prevention) Act shall continue to operate despite the appellant having been convicted.

Regard being had to the period of custody undergone by the appellant, we are inclined to admit him on bail.

Accordingly, during the pendency of this appeal, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of the learned Additional Judicial Commissioner XVI cum Special Judge for NIA Cases, Ranchi in connection with Special NIA Case No. 1 of 2019 arising out of Balumath P. S. Case No. 225 of 2018, subject to the condition that the appellant shall report before the local police station every 3 months and if the appellant indulges in any similar activities, the NIA will be at liberty to approach this court for cancellation of his bail.

I. A. No. 3393 of 2026 stands disposed of.

(Rongon Mukhopadhyay, J.)

(Pradeep Kumar Srivastava, J.)