

B.A. No. 4358 of 2026				
Ganpat Hajam	...	...	Petitioner	
Versus				
The State of Jharkhand	...	...	Opposite Party	
With				

Suraj Oraon and Another	...	...	Petitioners
Versus			
The State of Jharkhand	...	...	Opposite Party

— — —

— — —

For the Petitioner(s) : Mr. Ritesh Kumar, Advocate

For the State : Mr. Pankaj Kumar, PP

: Mr. Sardhu Mahto, APP

: Mr. Manoj Kr. Mishra, APP

: Mr. Rajesh Kumar Sinha, APP

: Mr. Shailendra Kumar Tiwari, Spl. PP

■■■

07/16.06.2026 These two cases are listed before this Court and the learned counsel for the petitioner(s) seeks permission to withdraw these bail applications. The point for consideration is whether the bail applications so withdrawn and fresh bail application if filed would be treated as tied up matter.

2. It has been submitted by the learned counsels appearing before this court and also at Bar that different benches of this court have been

taking different view and some treat the previously withdrawn bail applications as tied up matter and others do not.

3. It has been brought to the notice of this Court that numerous bail applications were withdrawn from this Court and subsequently re-filed, and entertained by another Bench of this court. By way of example, a chart of 24 such cases are given as under:

S.NO.	BA case details listed before Court No 11				FIR DETAILS			BA case details listed before Another Bench				
	CASE NO.	YEAR	STATUS	D.D				CASE NO.	YEAR	STATUS	Filing Date	D.D.
1	10182	2025	D/S as NP	16.02.26	Giridih	Cyber	29/2025	4554	2026	Allowed	21.05.26	26.05.26
2	12061	2025	D/W	11.03.26	Deoghar	Cyber	77/2022	4698	2026	Allowed	21.05.26	29.05.26
3	1480	2026	D/W	11.03.26	Mango		276/2024	4920	2026	Allowed	22.05.26	04.06.26
4	852	2026	D/W	17.03.26	Deoghar	Cyber	158/2025	4709	2026	Allowed	21.05.26	29.05.26
5	12180	2025	D/W	19.03.26	Sukhdeo	Nagar	600/2025	4428	2026	Allowed	19.05.26	26.05.26
6	9916	2025	D/W	24.03.26	Deoghar	Cyber	116/2025	4765	2026	Allowed	21.05.26	02.06.26
7	9920	2025	D/W	24.03.26	Deoghar	Cyber	116/2025	4541	2026	Allowed	21.05.26	26.05.26
8	9921	2025	D/W	24.03.26	Deoghar	Cyber	116/2025	4580	2026	Allowed	21.05.26	29.05.26
9	2657	2026	D/W	01.04.26	Dhanbad	Cyber	53/2025	4808	2026	Rejected	21.05.26	02.06.26
10	11714	2025	D/W	02.04.26	Palamu	Panki	137/2024	4855	2026	Allowed	20.05.26	02.06.26
11	1249	2026	D/W	07.04.26	Dhanbad	Govindpur	588/2025	4468	2026	Allowed	21.05.26	29.05.26
12	9688	2025	D/W	09.04.26	Deoghar	Cyber	97/2025	4959	2026	Allowed	27.05.26	04.06.26
13	1424	2026	D/W	10.04.26	Deoghar	Cyber	165/2025	4719	2026	Allowed	22.05.26	29.05.26
14	2256	2026	D/W	10.04.26	Latehar	Garu	35/2025	4818	2026	Allowed	22.05.26	02.06.26
15	1213	2026	D/W	13.04.26	Deoghar	Cyber	153/2025	4777	2026	Allowed	22.05.26	02.06.26
16	1579	2026	D/W	17.04.26	Deoghar	Cyber	171/2025	4678	2026	Allowed	21.05.26	29.05.26
17	1006	2026	D/W	20.04.26	Dhanbad	Govindpur	457/2025	4532	2026	Allowed	21.05.26	26.05.26
18	1423	2026	D/W	20.04.26	Deoghar	Cyber	171/2025	4576	2026	Allowed	21.05.26	29.05.26
19	11455	2025	D/W	28.04.26	Deoghar	Cyber	130/2025	4969	2026	Allowed	25.05.26	04.06.26
20	11812	2025	D/W	30.04.26	Deoghar	Cyber	115/2025	4912	2026	Allowed	23.05.26	04.06.26
21	2757	2026	D/W	30.04.26	Jamtara	Cyber	7 of 2026	4566	2026	Allowed	21.05.26	26.05.26
22	2967	2026	D/W	30.04.26	Giridih	Cyber	5 of 2026	4780	2026	Allowed	22.05.26	02.06.26
23	3300	2026	D/W	08.05.26	Mango		276/2024	4920	2026	Allowed	22.05.26	04.06.26
24	2903	2026	D/W	15.05.26	Jamtara	Cyber	10 of 2026	4588	2026	Allowed	18.05.26	29.05.26

4. In aforesaid 24 cases, there are two kinds of order of withdrawal. Some of the cases have been simpliciter withdrawn and in some cases (serial no. 1,5,9 and 12), it has been recorded that when this Court was not inclined to enlarge the petitioner on bail, the learned counsel for the petitioner sought withdrawal of the bail application, and under such circumstances, the permission for withdrawal was accorded.

5. In none of the aforesaid cases, the concerned learned counsel for the State has pointed out the judgement passed by the Hon’ble

Division Bench in B.A. No.3828 of 2017 wherein it has been held that bail applications, if withdrawn from one court, are to be treated as tied up matters. In the said case, following reference was made to the Hon'ble Division Bench, Paragraph 1 of the judgement dated 09.04.2018 passed in B.A. No.3828 of 2017 and analogous cases terms of reference has been mentioned, which is quoted as under: -

“1.These matters have been referred by learned Single Judge before the Division Bench by raising the following issues.

“16. Upon hearing the submissions made by the learned counsels, broadly, these three issues need to be addressed:-

- (i) Whether a case (Civil/Criminal) in which a Court initially issued notice or granted/rejected an interim order or might have granted some adjournments, will be treated to be a “tied up matter” of the same Court even after the change of roster?*
- (ii) A case (Civil/Criminal), which is dismissed for default by a Court or stands dismissed as a consequence of non-compliance of the peremptory order of a Court, after restoration of the original case, whether the original case will be treated to be a “tied up matter” of the Court, i.e., the Court, which dismissed the case for non-prosecution and/or the Court which passed the peremptory order and restored the original case?*
- (iii) Whether, if a bail application of an accused is allowed to be withdrawn by a Court (either simplicitor or after some argument) and is refiled by the same accused, the second case is to be treated as a “tied up matter” of the Court, which permitted the said withdrawal?”*

The reference was answered as follows: -

“In view of the aforesaid decisions, if the matter is dismissed or decided on merits then it will be treated as a “tied up matters” and in second eventuality if any matter is withdrawn from a particular Bench and again successive Bail Applications or successive applications have been preferred it will go to the same Bench, irrespective of the change of Roster. In rest of the cases like, cases in which an interim relief/order or provisional bail is granted, by the earlier Bench, such matters will be listed as per Roster. If the Roster is assigned to another

Bench it will go to another Bench. ”

6. It is also put on record that recently when this Bench was constituted to hear bail matters, certain cases were entertained by this Court, which were permitted to be withdrawn by another bench. However, soon thereafter, when this Court came to know about the aforesaid judgement dated 09.04.2018 passed in B.A. No.3828 of 2017 and analogous cases, numerous bail applications, which were withdrawn with the permission of another bench of this court, this Court has been passing orders to place such bail applications before the Hon'ble Chief Justice for appropriate order on the administrative side and thereafter those matters are being listed before the appropriate Benches.

7. It has been submitted by the learned counsel for the State that different benches of this Court have been taking different views as to whether a case would be treated as tied up matter in case of withdrawal and the matter is to be clarified.

8. Mr. Arvind Kumar Choudhary, the learned counsel has submitted at Bar that in Criminal Appeal (DB) No.1411 of 2008, certain view has been taken which is contrary to the view taken in answering the reference in B.A. No.3828 of 2017. However, the said order has not been placed before this Court during the course of hearing.

9. The learned Registrar (List and Computer) is also required to inform this Court as to whether bail applications once withdrawn are being treated as tied up matter or not and if yes, appropriate entry to this effect is being made in the portal or not. However, it has been reported by the learned court master of this Court that cases at serial nos. 1,7,8

and 21 only have been treated as tied up matters. It is also important to note that as placed before this Court by the learned court master, vide information no. 04/R&S /2026 dated 12th of May 2026 issued by the order of the court under the signature of the learned Registrar General of this Court, *inter alia*, following instructions were issued: -

A.....

B.....

C. (a) Matters of urgent nature of the kind notified in which urgency has arisen during the period of vacation, shall only be taken up for hearing.

(b) The matters which are assigned or of the designated Bench shall not be taken up by the Vacation Bench. This is without prejudice to power of Chief Justice to direct listing and hearing of a matter before the Vacation Bench.

(c) In case of extreme urgency with regard to any other matter, the case may be listed after obtaining permission from Hon'ble the Chief Justice.

10. Let a copy of this order be forwarded to the learned Advocate General to appoint an Advocate from the side of the State to assist this Court on aforesaid point.

11. Let a soft copy of this order be also forwarded to the learned President, Advocates' Association, so that to give them an opportunity to make submissions.

12. Post on 19.06.2026 in the Supplementary Cause List to be taken up at 10.30 A.M. as the first case.

(Anubha Rawat Choudhary, J.)

Saurav/-