

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No.4918 of 2025**

1. Sahedeo Prasad @ Sahdeo Prasad, aged about 42 years, son of Sri Huro Prasad, resident of Village Bhagatiyadih, P.O. Chunglo, P.S. Jamua, District Giridih, Jharkhand. Presently residing at Qr. No.1448, 'B' Block, Urja Nagar, P.O. and P.S. Bijuri, District Annupur (M.P.).
2. Binod Kumar Mandal @ B.K. Mandal, aged about 45 years, son of Sri Rameshwar Mandal, resident of Village Bhagatiyadih, P.O. Chunglo, P.S. Jamua, District Giridih, Jharkhand. Presently residing at Qr. No.M-85, New Amadand Colony, P.O. Chukan, P.S.-Rajnagar, District-Annupur (M.P.)

..... **Petitioners**

Versus

Union of India through C.B.I. **Opp. Party**

CORAM : HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioners	: Md. Zaid Ahmad, Advocate
For the O.P.-CBI	: Mr. Prashant Pallav, Spl. P.P. to CBI
	Ms. Shivani Jhaluka, AC to Spl. P.P.

03/Dated: 11.07.2025

1. The instant application has been filed under Sections 483 and 484 of the B.N.S.S., 2023 for grant of regular bail to the petitioners, in connection with R.C. Case No.06(A)/2017(D), registered for the offence under Sections 120-B, 420, 468 and 471 of the IPC and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, now pending in the court of learned Addl. Sessions Judge-I-cum-Special Judge, CBI, Dhanbad.

2. The prosecution case, in brief is that the case has been instituted with an allegation that information has been received from reliable sources that one Satish Digambar Chidarwar @ S.D. Chidarwar, the then Dy. Director of Mines Safety (Exam.), Directorate General of Mines Safety (DGMS), Dhanbad, Pulaborty Ranganatheeswar @ P. Ranganatheeswar, the then Director of Mines Safety (Exam.), Directorate General of Mines Safety (DGMS), Dhanbad, Binod Kumar Mandal, Mining Sirdar (Gr.C.), Amadand / Bartarai U.G. Mine, P.O. Chukan, Kotma, District Anuppur, Madhya Pradesh under South Eastern Coalfield Limited (SECL), Bilashpur, Prayag Prasad, Mining Sirdar (Grade-T & S-C), Bijuri Colliery, P.O. Bijuri, District Anuppur Madhya Pradesh under SECL, Bilashpur, Amit Kumar, Mining Sirdar, Gevra Project, P.S. Dipka, District Korwa, Chhatisgarh, under SECL, Bilashpur, and Arjun Kumar, Mining Sirdar, Munidih Project, BCCL, Dhanbad and other unknown persons with a view to cheat / defraud DGMS, Government of India entered into a criminal conspiracy among themselves during 2003-04 and in furtherance thereof Binod Kumar Mandal, Prayag Mandal, Sahdeo Prasad, Amit Kumar and Arjun Kumar were issued Sirdar's certificate from DGMS by violating the norms of the Coal Mines Regulation, 1957 and on the basis of the same they secured appointment in different subsidiaries of Coal India Limited and they caused gain to the selected candidates amounting to Rs. 1.52

crores approx., which has been paid towards salary and other remuneration.

3. Learned counsel appearing for the petitioner has submitted that the petitioner is absolutely innocent and has falsely been implicated in this case.

4. It has been contended on behalf of the petitioner that the co-accused persons, namely, Meghlal Mandal @ Sri Meghlal Mandal, Tapan Kanti Mondal @ T.K. Mondal and Tapeswar Mandal @ Tapeswar have been granted anticipatory and regular bail by the Coordinate Bench of this Court vide order dated 04.11.2022, 01.09.2023 and 26.03.2025 passed in A.B.A. No.6770 of 2022, A.B.A. No.9106 of 2022 and B.A. No.2065 of 2025 respectively, therefore, he has mainly argued on the applicability of principle of parity.

5. Mr. Prashant Pallav, learned Spl. P.P. appearing for the C.B.I. by referring to conduct of the present petitioner, since, after rejection of his anticipatory bail application, he has not surrendered for almost three years. However, he is fair enough to admit the fact that the case of the present petitioner on the issue of accusation, is identical to that of other co-accused persons, who have been granted bail by the Coordinate Bench of this Court, as per Annexure-3, 4 and 5.

6. This Court has heard the learned counsel for the parties and gone through the material available on record as also the FIR and the impugned order.

7. The issue since has been agitated on the applicability of principle of parity, hence, this Court is now proceeding to consider the argument advanced on behalf of the parties.

8. The law is well settled that the principle of parity is to be made applicable even in a case of bail, reference in this regard may be made to the judgment rendered by the Hon'ble Apex Court in the case of **Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwana, (2021) 6 SCC 230**, wherein, it has been held as under:

“25. We are constrained to observe that the orders passed by the High Court granting bail fail to pass muster under the law. They are oblivious to, and innocent of, the nature and gravity of the alleged offences and to the severity of the punishment in the event of conviction. In Neeru Yadav v. State of U.P. [Neeru Yadav v. State of U.P., (2014) 16 SCC 508 :], this Court has held that while applying the principle of parity, the High Court cannot exercise its powers in a capricious manner and has to consider the totality of circumstances before granting bail. This Court observed : (SCC p. 515, para 17)

“17. Coming to the case at hand, it is found that when a stand was taken that the second respondent was a history-sheeter, it was imperative on the part of the High Court to scrutinise every aspect and not capriciously record that the second respondent is entitled to be admitted to bail on the ground of parity. It can be stated with absolute certitude that it was not a case of parity and, therefore, the impugned order [Mitthan Yadav v. State of U.P., 2014 SCC OnLine All 16031] clearly exposes the non-application of mind. That apart, as a matter of fact it has been brought on record that the second respondent has been charge-sheeted in respect of number of other heinous offences. The High Court has failed to take note of the same. Therefore, the order has to pave the path of extinction, for its approval by this Court would tantamount to travesty of justice, and accordingly we set it aside.

26. Another aspect of the case which needs emphasis is the manner in which the High Court has applied the principle of parity. By its two orders both dated 21-12-2020 [Pravinbhai Hirabhai Koli v. State of Gujarat, 2020 SCC OnLine Guj 2986], [Khetabhai Parbatbhai Makwana v. State of Gujarat, 2020 SCC

OnLine Guj 2988] , the High Court granted bail to Pravin Koli (A-10) and Kheta Parbat Koli (A-15). Parity was sought with Sidhdhraisinh Bhagubha Vaghela (A-13) to whom bail was granted on 22-10-2020 [Siddhraisinh Bhagubha Vaghela v. State of Gujarat, 2020 SCC OnLine Guj 2985] on the ground (as the High Court recorded) that he was “assigned similar role of armed with stick (sic)”. Again, bail was granted to Vanraj Koli (A-16) on the ground that he was armed with a wooden stick and on the ground that Pravin (A-10), Kheta (A-15) and Sidhdhraisinh (A-13) who were armed with sticks had been granted bail. The High Court has evidently misunderstood the central aspect of what is meant by parity. Parity while granting bail must focus upon the role of the accused. Merely observing that another accused who was granted bail was armed with a similar weapon is not sufficient to determine whether a case for the grant of bail on the basis of parity has been established. In deciding the aspect of parity, the role attached to the accused, their position in relation to the incident and to the victims is of utmost importance. The High Court has proceeded on the basis of parity on a simplistic assessment as noted above, which again cannot pass muster under the law.”

9. This Court, applying the aforesaid principle and adverting to the accusation made against the present petitioner as per the allegation made in the First Information Report and comparing with the accusation made against the co-accused persons, has found that the accusation in between the present petitioner and other co-accused persons, who have been granted anticipatory and regular bail, is the same.

10. The aforesaid fact has not been disputed by the learned counsel appearing for the Opp. Party-CBI.

11. This Court, in view of the aforesaid fact, is of the view that since the allegation against the present petitioner is identical to that of other co-accused persons, who have been granted bail by the Coordinate Bench of this Court as referred above and as such, there is no reason to take distinct view.

12. Accordingly, the instant bail application stands allowed.

13. In consequence thereof, the petitioners, named above, are directed to be released on bail on furnishing bail bond of **Rs.10,000/- (Rupees Ten Thousand)** each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-I-cum-Special Judge, CBI, Dhanbad, in connection with R.C. Case No.06(A)/2017(D), subject to the condition that the petitioners shall co-operate in the trial, failing which, the learned trial court is at liberty to take appropriate steps in accordance with law.

(Sujit Narayan Prasad, J.)

Rohit/-