

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (DB) No. 152 of 2026

Bajjnath Ganjhu, S/o Guddu Ganjhu, R/o Vill- Lukaiya Tola
Jamungada, P.O. + P.S.- Chandwa, Dist.- Latehar.

... **Appellant**

Versus

Union of India through National Investigation Agency, New
Delhi.

... **Respondent**

PRESENT

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

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

Dated : 18/03/2026

1. Heard Mr. Birendra Kumar, learned counsel for the appellant and Mr. Amit Kumar Das, learned Spl. P.P.-NIA
2. This appeal is directed against the order dated 01-12-2025 passed by the learned Additional Judicial Commissioner-XVI-cum-Special Judge NIA, Ranchi, in Misc. Criminal Application No. 2211/2025 in connection with Special (NIA) Case No. 03/2020 arising out of R.C. No. 38/2020/NIA/DLI (Chandwa P.S. Case No. 04 of 2020) whereby and whereunder, the prayer for bail of the appellant has been rejected.
3. The prosecution case arises out of the self-statement of Madan Kumar Sharma, S.H.O of Chandwa P.S., in which it has been stated that on 05-01-2020, the informant had received a secret information that three persons had come at Budh Bazar, Chandwa on a motorcycle bearing Registration No. JH01 CW 7773 to collect levy from a contractor and the amount collected was to be delivered to Ravindra Ganjhu. It has been alleged that on

receiving such information, the informant along with other police personnel reached near Shiv Mandir, Saroj Nagar, Budh Bazar, Chandwa at 05:00AM and it was noticed that three persons were going towards the stadium on a motorcycle bearing Registration No. JH01 CW 7773. When the Police had directed the motorcyclists to stop, they tried to flee away but were apprehended and overpowered and they had disclosed their names as Baijnath Ganjhu, Rajesh Ganjhu (appellant) and Kunwar Ganjhu. On a search of the apprehended accused persons, one black colour purse, one Aadhaar card belonging to Lalita Devi, one Aadhaar card belonging to Sukhmani Devi, one Aadhaar card of Rajesh Kumar, one ATM card, one passbook of Union Bank of India in the name of Rajesh Ganjhu were recovered from the appellant; one bag containing cash of Rs. 5 lakhs, one black colour trouser, one full sleeve round neck T-shirt, a Samsung mobile, a purse containing one PAN card and Aadhaar card of Baijnath Ganjhu, a letter written by Ravindra Ganjhu addressed to Sonu Singh in which a levy amount of Rs. 5 lakhs was demanded were recovered from the possession of Baijnath Ganjhu. The search of Kunwar Ganjhu did not yield any recovery. From the joint possession of accused persons, a Super Splendor motorcycle was recovered and seized. It has been alleged that the accused persons had disclosed that they are the henchmen of Maoist commander Ravindra Ganjhu and under his direction they provide logistical support and information about the movement of the police to Ravindra Ganjhu and other members of the terrorist organisation.

4. Based on the aforesaid allegations, Chandwa P.S. Case No. 04 of 2020 was instituted under Sections 386, 411, 120 BIPC, Section 17 CLA Act and Section 13, 16, 17, 20, 21 and 23 of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to

as UA(P) Act for the sake of brevity). On completion of investigation, charge sheet was submitted and cognizance was taken by the learned A.C.J.M., Latehar.

5. The Central Government considering the gravity of the offence, directed the NIA vide Order F. No. 11011/66/2020/NIA dated 29.10.2020 to take over the investigation of the said case. In compliance of the directions of Ministry of Home Affairs, CTCR Division, Government of India, NIA took over investigation and Chandwa P.S. Case No. 04 of 2020 was re-registered as RC38/2020/NIA/DLI. On completion of investigation, First Supplementary Charge sheet was submitted by the NIA against six accused persons including the present appellant.

6. It has been submitted by Mr. Birendra Kumar, learned counsel for the appellant that the only allegation against the appellant is of providing logistical support for the Maoist organisation. The appellant is in custody since 05.01.2020 and out of 160 charge sheet witnesses, only five witnesses have been examined so far. It has been submitted that there is no possibility of the trial being concluded in the near future as only five witnesses have been examined so far and the appellant has completed more than six years in custody. According to Mr. Birendra Kumar, learned counsel, the rigors of 43D(5) of the UA(P) Act would not apply to the appellant in view of the facts and circumstances of the case.

7. Mr. Amit Kumar Das, learned Special P.P.-NIA has submitted that several of the protected witnesses have disclosed several incriminating factors against the accused persons including the appellant. The appellant was one of the confidantes of Maoist leader Ravindra Ganjhu who had collected Rs. 5 lakhs in cash from Sonu Singh based on a letter authored by Ravindra Ganjhu. Mr. Das has expressed his apprehension that if the

appellant is released on bail, he shall in all probabilities tamper with the evidence. It has also been submitted that the prayer for bail of co-accused Kunwar Ganjhu has already been rejected by a Co-ordinate Bench of this Court in Criminal Appeal (DB) No. 944 of 2025.

8. The role essayed by the appellant has been depicted at para 17.50.1 of the First Supplementary Charge Sheet and the same reads as follows:

“17.50.1 BAIJNATH GANJHU (A-1):

Bajnath Ganjhu (A-1) is a courier/ messenger/ informer/ over ground worker of CPI (Maoist). He is a close associate of other co-accused persons Rajesh Ganjhu (A-2), Kunwar Ganjhu (A-3) and Ravindra Ganjhu (A-4). He is involved in providing logistics support to CPI (Maoist) and collection of funds for the said terrorist organisation at the behest of Ravindra Ganjhu (A-4). He used to meet Ravindra Ganjhu (A-4) in the forest frequently and supplies necessary items such as ration, clothes etc. to Ravindra Ganjhu (A-4) and his cadres. He collected money from Sonu Singh (A-5) on the direction of Ravindra Ganjhu (A-4) twice on 02.01.2020 and 05.01.2020 for CPI (Maoist) by producing letters of Ravindra Ganjhu (A-4). Rs. 5 lakhs and a pair of clothes given by Sonu Singh (A-5) for Ravindra Ganjhu (A-4) and one letter of Ravindra Ganjhu (A-4) addressed to Sonu Singh (A-5) have been recovered from his possession on 05.01.2020 and he was arrested. Subsequently, the cash has been attached under section 25(5) of the Unlawful Activities (Prevention) Act as proceeds of terrorism. He was also charge-sheeted in another NIA case No. RC- 25/2020/NIA/DLI for aiding Ravindra Ganjhu (A-4) and his armed cadres of CPI (Maoist) in killing of four police personnel and looting of their arms/ ammunition

on 22.11.2019 at Lukuiya More under Police Station Chandwa limits, District Latehar, Jharkhand. Baijnath Ganjhu (A-1) is part of criminal conspiracy to commit cognizable offences along with top Maoist Ravindra Ganjhu (A-4) and others. A-1 through his actions and illegal omissions, concealed the existence of a design to wage war against the Government of India by CPI (Maoist) and he facilitated CPI (Maoist) for waging such war by concealing the existence of said design. On the direction of Ravindra Ganjhu (A-4), A-1 received / collected the stolen property i.e. criminally misappropriated from Sonu Singh (A-5) knowing that the same would be used for terrorism or for commission of terrorist acts by the cadres of terrorist organisation CPI (Maoist). A-1 conspired with and knowingly facilitated terrorist Ravindra Ganjhu (A-4) in preparatory acts for the commission of terrorist acts. A-1 is a member of banned terrorist organisation CPI (Maoist) being a courier and messenger. A-1 knowingly holds the amounts given by Sonu Singh (A-5) for terrorist act. A-1 is associated himself with terrorist organisation CPI (Maoist) knowingly and aided the said organisation voluntarily to further its activities. A-1 has provided logistics support to terrorist organisation CPI (Maoist), took part in the meetings of Maoist cadres and invited support of others including A-2 & A-3 for said terrorist organisation. A-1 has collected or received funds for terrorist organisation CPI (Maoist) knowing that such funds would be used for terrorism.

Thereby, accused Baijnath Ganjhu (A-1) has committed offence under sections 120B, 123 and 411 of the Indian Penal Code and sections 17, 18, 20, 21, 38, 39 and 40 of the Unlawful Activities (Prevention) Act.”

9. The role of the appellant has been depicted to be that of a courier and messenger and he seems to be an overground worker of the terrorist organization. The appellant was also charge sheeted in Special (NIA) Case No. 02/2020 for being involved in the murder of four police personnel at Lukuia More, though in the said case the appellant has already been granted bail in Criminal Appeal (DB) No. 1132 of 2025. While granting bail, the period of custody and the possibility of the trial being concluded in the near future being bleak has also been taken into consideration.

10. In order to appreciate the contentions of Mr. Das, learned Special P.P.-NIA that the bail application of one of the co-accused similarly situated has been rejected by a Co-ordinate Bench of this Court in Criminal Appeal (DB) No. 944 of 2025, we now shall have a glance on the role played by the said appellant and which finds place at para 17.50.3 of the First Supplementary Charge Sheet. The same reads as under:

“17.50.3 KUNWAR GANJHU @ KUWAR GANJHU (A-3),

Kunwar Ganjhu (A-3) is elder brother of top Maoist cadre Ravindra Ganjhu (A-4). A-3 is a courier/informer/over ground worker of CPI (Maoist) since long. He used to meet his Maoist brother Ravindra Ganjhu (A-4). He collected funds from contractors by giving threats on behalf of his brother Ravindra Ganjhu (A-4) and extorted money from contractors by putting them in fear of death. On the direction of Ravindra Ganjhu (A-4), he accompanied Baijnath Ganjhu (A-1) and Rajesh Ganjhu (A-2) to meet his brother Ravindra Ganjhu (A-4) at Beerjangha forest and collected fund of Rs. 5 lakhs from Sonu Singh (A-5), on 05.01.2020. He used to meet his brother Ravindra Ganjhu (A-4) in the forests frequently and provides

logistics support to A-4. On earlier occasions also, A-3 received funds from Sonu Singh (A-4) in 2012 & 2014 at the behest of his brother A-4. He was an accused in two more cases of extortion by arson of vehicles/stopping work/leaving a threatening letter and voluntarily obstructs to a public servant from discharge of his duty which were registered at Chandwa PS. He is a habitual offender of extortion and he procured property with the proceeds of terrorism.

Kunwar Ganjhu (A-3) is part of criminal conspiracy to commit offence along with his Maoist brother Ravindra Ganjhu (A-4) and others. A-3 acted or illegally omitted or concealed the existence of a design to wage war against the Government of India by a banned terrorist organisation CPI (Maoist) and he facilitated the terrorist organisation for waging such war by concealing the existence of design. On the direction of Ravindra Ganjhu (A-4), A-3 received or collected stolen property i.e. criminally misappropriated from Sonu Singh (A-5) knowing that the same would be used for terrorism. A-3 committed extortion from the contractors and put those contractors in fear of injury in order to commit extortion with the help of his Maoist Ravindra Ganjhu (A-4). On the direction of accused Ravindra Ganjhu (A-4), A-3 accompanied A-1 & A-2 to collect funds from Sonu Singh (A-5) knowing that such funds are likely to be used for commission of terrorist acts by terrorist organisation CPI (Maoist). A-3 conspired with and knowing facilitated to terrorists including Ravindra Ganjhu (A-4) in preparatory to the commission of terrorist acts. A-3 is a member of CPI (Maoist) being a courier and supporter. A-3 knowingly holds the amounts given by Sonu Singh (A-5) and others. A-3 has associated himself with terrorist organisation

CPI (Maoist) knowingly and aided the said organisation voluntarily to further its terrorist activities. A-3 has provided logistics support to terrorist organisation CPI (Maoist), took part in meeting with its cadres. A-3 has collected or received funds from Sonu Singh (A-5) and others for terrorist organisation CPI (Maoist) knowing that such funds would be used for terrorism.

Thereby, accused Kunwar Ganjhu @Kuwar Ganjhu (A-3) has committed offence under sections 120B, 123, 384, 385 and 411 of the Indian Penal Code and sections 17, 18, 20, 21, 38, 39 and 40 of the Unlawful Activities (Prevention) Act.”

11. The said Kunwar Ganjhu seems to be the elder brother of the main accused Ravindra Ganjhu and apart from being an over ground worker, he has been directly involved in committing extortion from contractors by putting them in fear of bodily injury. Therefore, the accused Kunwar Ganjhu has been shown to be a courier and a messenger of the terrorist organization, but para 17.50.3 entails a larger role which was played by him with respect to his activities in the terrorist organization which distinguishes the case of the present appellant with that of Kunwar Ganjhu whose prayer for bail, as noted above, had already been rejected. Para 17.50.2 does assign the role of the appellant as a courier and messenger who provided logistical support to the said organization.

12. In the case of ***Union of India v. K. A. Najib*** reported in **(2021) 3 SCC 713**, it has been held as follows:

“17. It is thus clear to us that the presence of statutory restrictions like Section 43-D(5) of the UAPA per se does not oust the ability of the constitutional courts to grant bail on grounds of violation of Part III of the Constitution. Indeed, both the restrictions under a statute as well as the powers

exercisable under constitutional jurisdiction can be well harmonised. Whereas at commencement of proceedings, the courts are expected to appreciate the legislative policy against grant of bail but the rigors of such provisions will melt down where there is no likelihood of trial being completed within a reasonable time and the period of incarceration already undergone has exceeded a substantial part of the prescribed sentence. Such an approach would safeguard against the possibility of provisions like Section 43-D(5) of the UAPA being used as the sole metric for denial of bail or for wholesale breach of constitutional right to speedy trial.

18. *Adverting to the case at hand, we are conscious of the fact that the charges levelled against the respondent are grave and a serious threat to societal harmony. Had it been a case at the threshold, we would have outrightly turned down the respondent's prayer. However, keeping in mind the length of the period spent by him in custody and the unlikelihood of the trial being completed anytime soon, the High Court appears to have been left with no other option except to grant bail. An attempt has been made to strike a balance between the appellant's right to lead evidence of its choice and establish the charges beyond any doubt and simultaneously the respondent's rights guaranteed under Part III of our Constitution have been well protected.*

19. *Yet another reason which persuades us to enlarge the respondent on bail is that Section 43-D(5) of the UAPA is comparatively less stringent than Section 37 of the NDPS Act. Unlike the NDPS Act where the competent court needs to be satisfied that prima facie the accused is not guilty and that he is unlikely to commit another offence while on bail; there is no such precondition under UAPA. Instead, Section 43-D(5)*

of the UAPA merely provides another possible ground for the competent court to refuse bail, in addition to the well-settled considerations like gravity of the offence, possibility of tampering with evidence, influencing the witnesses or chance of the accused evading the trial by absconsion, etc.

Conclusion

20. *In light of the above discussion, we are not inclined to interfere with the impugned order. However, we feel that besides the conditions to be imposed by the trial court while releasing the respondent, it would serve the best interest of justice and the society at large to impose some additional conditions that the respondent shall mark his presence every week on Monday at 10 a.m. at the local police station and inform in writing that he is not involved in any other new crime. The respondent shall also refrain from participating in any activity which might enrage communal sentiments. In case the respondent is found to have violated any of his bail conditions or attempted to have tampered the evidence, influence witnesses, or hamper the trial in any other way, then the Special Court shall be at liberty to cancel his bail forthwith. The appeal is accordingly dismissed subject to the above stated directions.*

13. The appellant is in custody since 05.01.2020 and a large number of witnesses are still left to be examined. On a totality of the allegations leveled against the appellant, the period of custody undergone by the appellant, the chances of the trial being concluded in the near future being bleak and the fact that the appellant has been granted bail in Criminal Appeal (DB) No. 812 of 2025 leads us to conclude that the appellant deserves to be released on bail. Consequently, we set aside the order dated 01-12-2025 passed by the learned Additional Judicial

Commissioner-XVI-cum-Special Judge NIA, Ranchi, in Misc. Criminal Application No. 2211/2025 in connection with Special (NIA) Case No. 03/2020 arising out of R.C. No. 38/2020/NIA/DLI (Chandwa P.S. Case No. 04 of 2020) and direct that the appellant 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 learned Additional Judicial Commissioner-XVI-cum-Special Judge, NIA, Ranchi, subject to the condition that the appellant shall remain physically present before the learned trial court on each and every date till the conclusion of the trial, unless prevented by sufficient cause.

14. This appeal is **allowed**.

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

(RONGON MUKHOPADHYAY, J.)

(PRADEEP KUMAR SRIVASTAVA, J.)

Dated: 18th March, 2026

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