

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (D.B.) No.96 of 2026

Aman Srivastava @ Aman Shrivastava, son of Late Sushil Srivastava, resident of village Kubba, P.O. Kubba, P.S. Hanterganj, District Chatra. ----- Appellant

Versus

State of Jharkhand (through ATS) ----- Respondent

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

 For the Appellant : Mr. Jitendra S. Singh, Adv.

For the State : Mr. Vishwanath Roy, Spl.P.P.

07/ 09.03.2026 Heard Mr. Jitendra S. Singh, learned counsel for the appellant and Mr. Vishwanath Roy, learned Spl.P.P.

2. This appeal is directed against the order dated 20.12.2025 passed by the learned Additional Judicial Commissioner-XVIII cum Special Judge, CID/ATS, Ranchi in Misc. Criminal Application No. 2398/2025, corresponding to ATS Court Case No. 01/2024, arising out of ATS P.S. Case No.10/2023, whereby and whereunder the prayer for bail of the appellant has been rejected.

3. The prosecution case, in brief, is that a secret information was received by the S.P., ATS that on 20.07.2023 at about 3.00 p.m., the associates of Aman Srivastava gang is coming to Ranchi with a huge amount of cash, which they had collected from the coal traders, contractors, etc. as extortion money. After making a station diary entry, the Deputy Commissioner, Ranchi was requested to depute a Magistrate and a raiding party was constituted for verification of such information and take necessary action. In course of search, it was noticed that a white coloured Scorpio vehicle was coming at a high speed, which was intercepted and two persons boarded on the vehicle namely Ezaj Ansari and Minku Khan @ Shahriyar were apprehended. Both the persons were searched and mobile

phones were recovered from their possession. In course of search of the vehicle, a white coloured bag containing cash was recovered from beneath the back seat of the vehicle. On enquiry, the apprehended persons had disclosed that as per the direction of Zahir Ansari, Firoz Khan, Mahmud @ Nepali and Ravi Sardar, the associate of Ravi Sardar namely Shankar Bhuiya had given the cash, which was to be handed over to Zahir Ansari and Firoz Khan. It has been alleged that Minku Khan had disclosed that he is working with Firoz Khan and Ezaj Ansari is working with Zahir Ansari and as per their direction, they also work for the gang, whenever directed. The cash recovered was extortion money collected by the Aman Srivastava gang. Since the cash recovered was large, the Branch Manager, SBI, Hatia Branch was directed to provide a cash counting machine and on being counted, the recovered cash was found to be to the tune of Rs. 49,83,000/-. The recovered articles including mobiles and cash were seized and both the apprehended persons were taken into custody.

4. Based on the aforesaid allegations, ATS P.S. Case No. 10 of 2023 was instituted under Sections 385/386/34 IPC and Sections 16, 17, 20 and 21 of the Unlawful Activities (Prevention) Act, 1967. On completion of investigation, charge sheet was submitted and cognizance was taken. After framing of charge, trial proceeded and some witnesses have already been examined by the prosecution.

5. It has been submitted by Mr. Jitender S. Singh, the learned counsel appearing for the appellant that the appellant has been implicated merely on the basis of suspicion and on the confessional statements of the co-accused persons. Admittedly, the appellant was not present at the spot and even during investigation, no materials of substance were collected against the appellant to indicate his involvement in the entire episode. The appellant is in custody since 11.08.2023 and though charge has been framed on 23.02.2024, the trial is still pending. It has

also been submitted that though the appellant was having criminal antecedents, but in most of the cases he has been acquitted.

6. Mr. Vishwanath Roy, learned Special P.P has opposed the prayer for bail of the appellant and has submitted that the appellant is named in the First Information Report and serious allegations have been levelled against him. In course of investigation, several of the witnesses have supported the case of the prosecution and the other accused persons who were also apprehended, have categorically stated about the involvement of the appellant in the offence. The appellant is the leader of a notorious gang which is involved in collection of ransom / extortion money from traders and businessmen of the locality. The appellant has 28 criminal antecedents as would be evident from Paragraph 96 of the case diary. Mr. Roy has submitted that the bail applications of several co-accused persons have been rejected in Criminal Appeal (DB) No. 940 /2024, Criminal Appeal (DB) No. 937/2024, Criminal Appeal (DB) No.938/2024, Criminal Appeal (DB) No. 937/2024 and Criminal Appeal (DB) No. 941/2024. Out of 13 witnesses, 10 witnesses have already been examined and the trial is on the verge of closure. It has also been submitted that the bail of one of the co-accused Firoz Ansari was dismissed by a Co-Ordinate Bench of this Court which was affirmed by the Hon'ble Supreme Court and therefore in such circumstances the present appeal is liable to be dismissed.

7. The predominant allegation against the appellant is that he was running a gang and his henchmen were apprehended and huge quantity of cash was recovered from a Scorpio vehicle which was construed to be extortion money collected from the traders, businessmen and others. The learned Special P.P has referred to paras 9, 10, 11, 12, 23, 25 and 115 of the case diary to impress upon the Court that these paragraphs

unequivocally point to the involvement of the appellant in the collection of extortion money and the embargo under Section 47(D)(5) of the UAP Act 1967 would get activated. So far as paras 9, 10, 11 and 12 of the case diary are concerned, the contents are reiterations of the written report as these witnesses were the members of the raiding party. Para 23 and 25 are the statements of the seizure list witnesses and so far as para 115 of the case diary is concerned, the same records the statement of Munna Khan who was employed in SBI Hatia Branch and who had counted out the recovered cash of Rs.49,83,000/-. We may also refer to para 96 of the case diary which categorizes the antecedents of the appellant and the other accused persons and we find that the appellant has got 28 criminal antecedents which fact has been refuted by the learned counsel for the appellant to the effect that in most of the cases the appellant has been acquitted and only 5 cases now remain against the appellant. These apart, the other incriminating materials against the appellant are the confessional statements of the apprehended accused persons.

8. Since it has been brought to our notice by the learned Special P.P that bail applications of several of the co-accused persons have been rejected and the case of the present appellant is similar, we shall now accordingly deal with the said contention.

9. Several of the co-accused persons had preferred independent appeals in Criminal Appeal (DB) No. 940 of 2024 (Md. Mahmud Alam @ Mahmud @ Nepali versus State of Jharkhand), Criminal Appeal (DB) No. 937 of 2024 (Firoz Khan versus State of Jharkhand) (through ATS), Criminal Appeal (DB)No. 938 of 2024(Md. Zahir Ansari @ Jalim Ansari versus State of Jharkhand)(through ATS), Criminal Appeal DB No. 941 of 2024 (Minku Khan @ Shahriyar versus the State of Jharkhand)(through ATS) and Criminal Appeal DB No.942 of

2024 (Ezaj Ansari versus the State of Jharkhand)(through ATS) and all these appeals were dismissed by a common order dated 04.04.2025. The accused Firoz Khan had challenged the said order before the Hon'ble Supreme Court in Special Leave to Appeal (Crl) No. 7705 of 2025 which however was dismissed on 19.05.2025 with a liberty to the accused to file a fresh application for regular bail in the event that the trial does not proceed within a period of 6 months. Consequent to the said liberty, the accused Firoz Khan had preferred an appeal for bail in Criminal Appeal (DB) No. 1538 of 2025 which was once again dismissed by a Co-ordinate Bench of this Court on 15.01.2026.

10. In the light of the dismissal of the bail appeals, as noted above, it is to be examined as to whether the case of the present appellant can be equated with the said accused persons or can be distinguished based on the nature of allegations levelled and the findings of the investigation. So far as Ezaj Ansari (appellant in Criminal Appeal DB No. 942 of 2024) and Minku Khan @ Shahriyar (appellant in Criminal Appeal (DB) No. 941 of 2024) are concerned, they were apprehended from inside the Scorpio vehicle from where huge quantity of unaccounted cash which was purportedly extorted money was recovered. So far as the rest of the accused / appellants are concerned, as per the confessional statements of the apprehended accused persons, they were to receive the cash which was recovered near Alam Hospital, Bariatu. The narrative given by both the apprehended accused persons demonstrates the specific role of the other accused and they have claimed themselves to be the members of the Aman Srivastava gang. None have stated about any interaction or directions received from the appellant and the name of the appellant has surfaced on vague and unsubstantiated assertions. This would clearly distinguish the case of the appellant from the other accused persons. It also seems that the appellant is in custody since 11.08.2023 and

some witnesses are still left to be examined. The manner of implication of the appellant would overcome the restrictive conditions for bail as envisaged under Section 43(D)(5) of the UAP Act and coupled with the period of custody undergone by the appellant, we are inclined to admit the appellant on bail.

11. We therefore, on the basis of the discussions made herein above, set aside the order dated 20.12.2025 passed by the learned Additional Judicial Commissioner-XVIII-cum- Special Judge CID / ATS, Ranchi in Misc. Cr. Application No. 2398 of 2025 corresponding to ATS Court Case No. 01 of 2024 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-XVIII-cum- Special Judge, CID/ATS, Ranchi in connection with Misc. Cr. Application No. 2398 of 2025, 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.

12. This appeal is allowed.

13. We make it clear that the observations made by us in this order shall not influence/prejudice the learned trial court as these observations are restricted to this appeal only.

14. Pending interlocutory application(s), if any, stand(s) closed.

(Rongon Mukhopadhyay, J.)

(Pradeep Kumar Srivastava, J.)

Dated: 9th March 2026

Shamim/-

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