

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51960 of 2015

Arising Out of PS.Case No. -24 Year- 2015 Thana -ARA NAGAR District- BHOJPUR

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Shyam Vinoy Sharma @ Shyam Vinay Sharma S/o Awdesb Rai @ Awdesb
Sharma R/o Village & P.s.- Chowri, District- Bhojpur. Present Address-
Jagdev Nagar, Road No.- 8, P.S.- Ara Nawada, District- Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. L.K.Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 16-03-2016 Heard learned counsel for the petitioner and counsel
for the State.

In this case, the petitioner is seeking bail in connection with Ara Town P.S. Case No. 24 of 2015 for offences under Sections 302/307/326/224/120(B) of the Indian Penal Code and Section 3/4/5 of the Explosive Substance Act.

As per First Information Report, the police in a van had brought some accused persons from jail for their production. The persons, namely, Akhilesh Upadhyay @ Musha Upadhyay and Lamboo Sharma were there amongst them. A lady standing there exploded the bomb whereupon the lady died and one police personnel was also killed. The aforesaid two persons, namely, Akhilesh Upadhyay @ Musha Upadhyay and Lamboo Sharma succeeded to escape from the judicial custody. The police has

started making investigation. During investigation, Akhilesh Upadhyay @ Musha Upadhyay was apprehended and has disclosed as to in what manner the plan was executed.

It appears from the case diary that the conspiracy was hatched for the purpose of escape of Akhilesh Upadhyay @ Musha Upadhyay and Lamboo Sharma. The lady was later on identified as a Nagina. She was utilized as a tool. From the case diary, it appears that she was not knowing that what she was carrying in the packet. Impression was given to her that she was carrying a camera and when Lamboo Sharma will alight from the bus, she will push the button and the photograph will be printed. Along with Nagina, one Anshu was also there. It has come in the case diary that the present petitioner on the instruction of Pramod Singh who was in jail has supplied the gun power to Anshu and Rinku Yadav. After acquiring gun power, a bomb was manufactured which was used for the purpose of escape of both the aforesaid two accused persons. Paragraph no. 41, 65, 66, 70, 71, 74, 75, 128, 210, 280, 281, 289 to 294, 308, 315, 322 and supplementary affidavit paragraph nos. 52, 63, 67 and 55 as also page no. 229, 50 91 and 92 sufficiently disclose in what manner the conspiracy was made and how it was executed. During investigation data of mobile of the petitioner including the date of

mobiles of other accused persons gives inference of alleged involvement of petitioner.

Learned counsel for the petitioner has submitted that one co-accused person, namely, Vijay Sharma has been subsequently released on bail by order dated 7.12.2015 in Cr. Misc. No. 47402 of 2015. Other co-accused person, namely, Chand Mian @ Md. Chand Mian has also been granted bail by this Court by order dated 10.2.2016 in Cr.Misc. No. 55909 of 2015 and one Dr. Narendra Kumar Pandey @ Sunil Pandey has also been granted bail by order dated 30.9.2015 in Cr. Misc. No. 39657 of 2015.

This order has been passed on the basis of material available on record and in all the aforesaid orders cited by the learned counsel for the petitioner, there is no mention of any paragraph of case diary. Learned counsel for the petitioner has also submitted that the petitioner has got no criminal antecedent.

Looking to the entire facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner, namely, Shyam Vinoy Sharma @ Shyam Vinay Sharma is rejected.

The court below is directed to expedite the trial of the petitioner and conclude the same within a period of ten months from the date of receipt of this order and prosecution is also directed to cooperate in the disposal of the case.

(Shivaji Pandey, J)

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