

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1348 of 2017

Arising Out of PS. Case No.-2 Year-2017 Thana- NIA District- Patna

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Gajendra Sharma, Son of Hirdaya Narayan Thakur, resident of Village-
Bakhari, P.S. Adapur, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Union of India through the Home Secretary, Ministry of Home Affairs,
New Delhi.
3. The National Investigation Agency.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Sri Rajesh Kumar
For the Respondent/s	:	Sri Akhleshwar Prasad Singh, Sr. Advocate Sri S.D. Sanjay, Addl. Solicitor General Sri Anshay Bahadur Mathur

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

5 08-01-2018 Heard Sri Rajesh Kumar, learned counsel for the

appellant, Sri Akhleshwar Prasad Singh, learned senior counsel
appearing for the National Investigation Agency as well as Sri
S.D. Sanjay, learned Additional Solicitor General , assisted by
Sri Anshay Bahadur Mathur, learned counsel for the Union of
India.

The present Appeal has been filed under Section 21(4) of
the National Investigation Agency Act, 2008 (hereinafter
referred to as the “ N.I.A. Act”) since the prayer for bail of the
appellant was rejected by Special Judge, N.I.A.-cum -Additional



Sessions Judge IV, Patna in Special Case No. 02 of 2017 , incorrectly mentioned in the order -sheet as Special Case No. 02 of 2007 {arising out of R.C. Case No. 02 of 2017 } registered for the offence under Section 150 of the Railways Act, 1989; 3 / 4 of the Explosives Act, 1884 and Section 18, 180B, 20 and 38 of the Unlawful Activities (Prevention) Act, 1967 on an allegation that the appellant was one of the conspirators in planting pressure cooker bomb on a Railway track near Nepal Border. Learned counsel for the appellant while pressing the bail petition submits that save and except confessional statement of the co-accused there is no other corroborative evidence showing involvement of the appellant in the present case. He submits that appellant was a music system operator and falsely he was made accused .

Sri Akhileshwar Prasad Singh, learned senior counsel appearing on behalf of the N.I.A. submits that during investigation involvement of the appellant transpired and thereafter, charge -sheet was submitted. He submits that after supply of police papers charge has already been framed on 8.12.2017. He submits that since trial has already commenced, it would not be appropriate to appraise / examine the evidence before trial. The Court is in agreement with the submission of



learned senior counsel for the N.I.A. Since charge has already been framed and trial has commenced, there is no reason to entertain the prayer for bail considering serious nature of the offence.

The Appeal stands dismissed.

It goes without saying that since the appellant is in custody from 16.02.2017, the learned trial judge as well as the prosecution may take appropriate steps so that the trial may come to its logical end without unnecessary delay.

(Rakesh Kumar, J)

(Arvind Srivastava, J)

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