

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61825 of 2019

Arising Out of PS. Case No.-37 Year-2012 Thana- NASRIGANJ District- Rohtas

RAJESH SHARMA @ TOOFAN SHARMA @ TOOFAN S/o Late Shiv
Sharma @ Shiojee Sharma R/o village- Rajpur, P.S.- Rajpur, District- Rohtas
at Sasaram

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra

For the Opposite Party/s : Mr.Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

4 05-03-2020

Heard learned counsel for the parties.

This application for grant of regular bail arises out of Nasriganj (Rajpur) P.S. Case No. 37 of 2012, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 596 and Section 302, which was added later on, of the Indian Penal Code and Section 17 of the C.L.A. Act.

The occurrence is said to have taken place on 11.03.2012. It has been alleged in the First Information Report that the persons, named in the First Information Report, were variously armed and started assaulting the informant mercilessly. It is further alleged that when other persons intervened and came in his rescue, the accused persons started indiscriminate firing from the roof of the nearby house, which hit the victim Ravi Mohan Singh, who, in course of time, died



while undergoing treatment. The victim is an eye witness and he has named this petitioner and others, who had participated in the occurrence.

Learned counsel appearing on behalf of the petitioner has submitted that some of the persons, similarly situated, have been allowed regular bail by this Court by various orders, copies of which have been brought on record by way of Annexure-3 series to this application.

There are certain aspects, which deters this Court from allowing the petitioner privilege of regular bail despite noticing the fact that some of the persons have been allowed regular bail by this Court. The occurrence is of 2012, in which the petitioner was named. It is not the petitioner's case that he was not knowing about the lodging of the First Information Report. It appears that he was apprehended in another case in 2018 being Rajpur P.S. Case No. 38 of 2018, registered for the offences punishable under Section 25(1-b)a and 26 of the Arms Act. Following is the criminal history of the petitioner, as can be seen from paragraph 3 of the application : -

“(i) Nasriganj (Rajpur) P.S. Case No. 74/07, U/s 147, 148, 149, 302, 307, 326, 325, 324, 323, 435, 436, 427, 452, 380 of I.P.C. and 27 Arms Act, 3, 4, 5 Explosives Act and 17 C.L.A. Act.

(ii) Nasriganj (Rajpur) P.S. Case No. 22/2013 U/ss 121,



- 121(A), 386, 387, 120(B) I.P.C. and 4/5 Explosives Act.**
- (iii) Nasriganj (Rajpur) P.S. Case No. 39/10 U/ss 147, 148, 149, 323, 324, 326, 307, 384 of I.P.C.**
- (iv) Nasriganj (Rajpur) P.S. Case No. 40/2010 U/ss 386, 387 of I.P.C. and 17 C.L.A. Act.**
- (v) Nasriganj (Rajpur) P.S. Case No. 97/2010 U/ss 506 I.P.C.**
- (vi) Dinara P. S. Case No. 103/2010, U/ss 147, 148, 149, 506, 448 I.P.C. and 17 C.L.A. Act.**
- (vii) Karakat P.S. Case No. 100/2006, U/ss 147, 148, 149, 323, 387, 437, 506 I.P.C. and 27 Arms Act and 17 C.L.A. Act.**
- (viii) Charpokari P.S. Case No. 31/2011, U/ss 147, 148, 149, 427, 452 I.P.C., $\frac{3}{4}$ Explosive Act and 17 C.L.A. Act.**
- (ix) Rajpur P.S. Case No. 38/2018, U/ss 25(1-b)a, 26 of Arms Act.”**

It is evident, thus, that the petitioner was, for the first time, made accused in a criminal case in 2007 and in so many cases thereafter, all of which are of serious nature. It can be easily understood that the trial, arising out of present Nasriganj (Rajpakar) P.S. Case No. 37 of 2012 must have hampered because of non-appearance of the petitioner.

In my view, therefore, it is not a fit case for grant of regular.

This application is accordingly rejected.

(Chakradhari Sharan Singh, J)

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