

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34239 of 2021

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

RAJESH SHARMA @ TOOFAN SHARMA @ TOOFAN Son of Late Shiv
Sharma Resident of Village - Rajpur, P.S.- Rajpur, District - Rohtas at
Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra
For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

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

ORAL ORDER

2 04-08-2021 The matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

This application for regular bail in connection with
Sessions Trial No. 109 of 2017, arises out of Nasriganj (Rajpur)
P.S. Case No. 37 of 2012, disclosing the offence punishable
under Section 307 and other allied Sections of the Indian Penal
Code and Section 17 of the C.L.A. Act. Later on, Section 302 of
the IPC was also added.

The petitioner's prayer for regular bail was earlier
rejected by an order dated 05.03.2020, passed in Cr. Misc. No.
61825 of 2019. The Court, while rejecting the petitioner's
application for grant of regular bail, has made following
observations :-



“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.

Learned counsel for the petitioner argues that there is no progress at the trial at all and there is no likelihood of the trial being concluded in near future.

Be that at it may, considering the petitioner's criminal antecedent, I am not inclined to grant him privilege of regular bail for the present.

This application is accordingly rejected.

Since the petitioner has remained in custody for a considerable period of time, the Court would expect the learned trial court to take all possible steps for expeditious conclusion of the trial. If there is no progress at all at the trial, the petitioner shall be at liberty to renew his prayer for bail after six months.

(Chakradhari Sharan Singh, J)

Rajesh/-

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