

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70958 of 2022

Arising Out of PS. Case No.-26 Year-2012 Thana- NAUHATTA District- Rohtas

RAJESH SHARMA @ TUFANI, Son of Late Shiv Sharma, R/o 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.Deovind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 05-04-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant
of regular bail in connection with Nauhatta P.S. Case No. 26 of
2012 dated 04.06.2012 registered for the offences punishable u/s
147, 148, 149 and 120B of the Indian Penal Code and Sections
25(1-B)A, 26, 35 of the Arms Act and Section 3/4 of the
Explosive Substance Act and Section 17 of the C.L.A. Act.

As per the prosecution case, about 10 to 12 miscreants
armed with various weapons were present in Bajarmarwa Forest



and they were preparing to commit some crime. It is further alleged that the informant along with police personnel went to the forest and saw some miscreants fleeing away, out of them, four miscreants were identified as Rambali Kharwar, Jai Prakash Uroan, Gabbar Chauhan and the petitioner by the police and the rest were not identified. The huge quantity of ammunitions, 25 pieces of electric detonator wire, one country made sixer and some other incriminating articles were seized from the said place and accordingly a seizure list was prepared.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is general and omnibus allegation against the petitioner. The petitioner is accused in 10 other criminal cases and he is on bail in 9 aforesaid cases as stated in para 3 of the bail petition. The charge-sheet has already been submitted against the petitioner. The petitioner is in custody since 29.06.2021.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-



named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Dehri-on-Sone, Rohtas in connection with Nauhatta P.S. Case No. 26 of 2012 with the following conditions :-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail bonds is liable to be cancelled.
2. If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bonds.

The application stands allowed.

(Chandra Prakash Singh, J)

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