

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (DB) No.902 of 2016**

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Arjun Jee @ Mani Yadav @ Rajbir Singh @ Suraj, s/o Bharat Yadav, R/o  
Salempur, P.S. Karauna, District- Jehanabad.

.... .... Appellant

Versus

The Union of India

.... .... Respondent

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**Appearance :**

For the Appellant : Mr. Yogesh Chandra Verma, Sr. Advocate  
Mr. Javed Ashlam, Advocate

For U.O.I. : Mr. S.D.Sanjay, Sr. Advocate (Additional  
Solicitor General of India)  
Mr. Abhishek Kumar, Advocate.

For the Respondent : Mr. Akhileshwar Prasad Singh (Sr. Advocate)  
(Senior Panel Central Government Counsel)

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**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH**  
**and**

**HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)**

6      01-12-2016

This is an appeal under Section 21(4) of the National Investigation Agency Act, 2008. The sole appellant was made an accused in Aurangabad Town P.S. Case no. 115 of 2012 registered under the provisions of Unlawful Activities Prevention Act as well as under the Arms Act, Explosive Substance Act and the Criminal Law Amendment Act. It was, inter alia, alleged that upon search of a room in which the appellant was a tenant, 12 bottles of chemicals and other incriminating things were found. The appellant was taken into custody and later by order dated 10.04.2013 passed in Cr. Misc. No. 15218 of 2013, he was granted bail by this Court on various conditions.



Considering the gravity of the offence where huge quantity of fire arms, live cartridges, chemicals, grenade, magazine and other explosive substance were recovered, the case was then transferred to the National Investigating Agency under the said Act and afresh file was registered upon due investigation apart from others. The appellant was charge sheeted. The trial is pending before the Special Judge, N.I.A. Act at Patna. The appellant then absconded, inasmuch as, he failed to appear in Court on the date fixed. Accordingly, the Court was obliged to cancel his bail and his bail bond. He was then apprehended. He moved for bail afresh, this time before the Special Judge. The learned Special Judge has refused to grant him bail looking into gravity of the offence as also the fact that trial has started. Hence, against the said rejection order dated 16.05.2016 this appeal under Section 21(4) of the N.I.A. Act has been filed.

We have heard Sri Yogesh Chandra Verma, the learned senior counsel appearing on behalf of the appellant and the learned counsels under the N.I.A. Act.

On behalf of the appellant it is submitted that the bail having once been granted if it is abused in any manner, then upon cancellation thereof, re-grant is on different considerations and not on the considerations as originally required. The counsel may be



correct but we are informed at the bar that out of 84 witnesses 36 witnesses have been already examined and the trial is going on day to day basis.

Considering the aforesaid as also the seriousness of the allegations and the advance stage of the trial, to us, it would not be a fit case to release the appellant on bail till conclusion of the trial.

This appeal is accordingly dismissed with a liberty that if the trial is not concluded within one year, the appellant may renew his prayer for bail.

**(Navaniti Prasad Singh, J.)**

Rajiv/abhay

**(Jitendra Mohan Sharma, J.)**

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