

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22597 of 2016

Arising Out of PS.Case No. -1 Year- 2012 Thana -C.B.I CASE District- MUZAFFARPUR

1. Umesh Sahu @ Umesh Kumar S/o Sri Ram Prakash Sahu resident of
Mo:- Brindavan Nagar, Ravi Steel Chowk, P.S- Ratu, District- Ranchi
(Jharkhand)

.... Petitioner/s

Versus

1. The Union of India through C.B.I.

.... Opposite Party/s

with

Criminal Miscellaneous No.34859 of 2016

Arising Out of PS.Case No. -1 Year- 2012 Thana -C.B.I CASE District- MUZAFFARPUR

1. Vikas Kumar @ Raja S/o shri Surendra Chaudhary Resident of Mohalla-
Deep Nagar, Balu Ghat, P.S. Town District Muzaffarpur.

.... Petitioner/s

Versus

1. The Central Bureau of Investigation

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.22597 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar Sinha

For the Opposite Party/s : Mr. Bipin Kumar Sinha(SC,CBI)

(In Cr.Misc. No.34859 of 2016)

For the Petitioner/s : Mr. Awadhesh Kumar

For the Opposite Party/s : Mr. Sanjay Kumar(SC,CBI)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 21-09-2016 Both the above-said petitions arise out of R.C. Case

No. 01(E)-2012, Trial No. 21 of 2014 (arising out of New Delhi
C.B.I. R.C. Case No. 221/2012 dated 02-01-2012) registered
under Sections-120-B and 409 of the Indian Penal Code as well as
under Sections-13(2) read with Section-13(1)(c) of Prevention of

Corruption Act and accordingly, both the above-said petitions are being heard and disposed of by this common order.

Heard learned counsels for the petitioners as well as learned counsel, appearing for CBI.

The trial court has reported that uptill now 11 prosecution witnesses have already been examined but the trial court failed to mention this fact as to how many prosecution witnesses have been left to be examined. However, it is informed on behalf of the prosecution that altogether 54 witnesses were proposed in the charge sheet and uptill now, 14 prosecution witnesses have already been examined. It is also submitted on behalf of the prosecution that the prosecution shall produce witnesses on day-to-day basis, if, the trial court permits the prosecution to do the same.

Learned counsel, appearing in Cr. Misc. No. 22597 of 2016 submits that petitioner Umesh Sahu @ Umesh Kumar has filed a petition before the trial court to become an approver but the trial court has not passed any order on the aforesaid petition and the said petition is still pending for disposal.

Learned counsel, appearing in Cr. Misc. No. 34859 of 2016 submits that the petitioner was remanded in Jharkhand in the year 2012 in R.C. 221/11/E/0002/New Delhi and the present

case is offshoot of the aforesaid case and moreover, the aforesaid petitioner is suffering from several diseases and, a prayer was made before the trial court to grant some relief to the petitioner but the trial court has sought a report from Jail Authorities and the said petition is still pending.

Considering the above-said facts and circumstances of the case as well as submission of the parties, I am not inclined to release the petitioners on bail and accordingly, both petitions filed in connection with R.C. Case No. 01(E)-2012, Trial No. 21 of 2014 (arising out of New Delhi C.B.I. R.C. Case No. 221/2012 dated 02-01-2012) pending in the court of learned Special Judicial Magistrate, CBI, Muzaffarpur stands rejected.

However, learned trial court is directed to expedite the trial of the petitioners and try to conclude the same as early as possible, preferably, within seven months from the date of receipt/production of copy of this order.

It is made clear that the trial court shall also pass appropriate orders on both the above-said pending petitions, filed on behalf of the petitioners. Furthermore, it is made clear that the CBI (prosecution) shall produce its witnesses on day-to-day basis and if, CBI does so, the concerned court shall take the trial of the petitioners on day-to-day basis because this Court in

Administrative side, has already directed to the court of CBI to take up the cases, which have been launched by the CBI and, therefore, the concerned court can take the cases of the petitioners on day-to-day basis without any hindrance. It is also made clear that if, the trial of the petitioners is not concluded within the above-said period due to laches of the prosecution (CBI), petitioners may renew their prayer for bail before the learned trial court itself.

A.K.V./-

(Hemant Kumar Srivastava, J)

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