

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8118 of 2017

Arising Out of PS.Case No. -4 Year- 1999 Thana -C.B.I CASE District- PATNA

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1. Nirjesh Singh @ Nirjesh Kumar @ Naga Singh, Son of Swaraj Singh,
R/o Mohalla-Moldiar Tola, Mokama, P.S.-Mokama, District-Patna.

.... Petitioner

Versus

1. The State of Bihar Through C.B.I. Patna

.... Opposite Party

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Appearance :

For the Petitioner : Mr. N.K. Agarwal, Sr. Adv. with Mr. Dr.
Anjani Prasad Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

9 20-09-2017

Heard both sides.

The petitioner seeks bail in R.C. Case No. 4(S) of 1999 arising out of Gardanibagh (Shastrinagar) P.S. Case No. 336 of 1998 corresponding to Sessions Trial No. 1301 of 2012 registered under Sections 302, 307 and other sections of the Indian Penal Code and 27 of the Arms Act.

The learned counsel for the petitioner submits that the prayer for bail of the petitioner was earlier rejected by order, dated 07.09.2015, passed in Cr. Misc. No. 21215 of 2015 with a direction to the trial Court to expedite the trial and conclude the same preferably within nine months, but, trial could not be concluded and, thereafter, the petitioner, again, moved.

A report was called for and the learned trial Judge reported that a request letter was sent to the Registrar of the Supreme Court for sending the lower Court's records so that the trial of the petitioner may be expedited. The petitioner is in custody since 12.07.2011

On the other hand, Mr. Bipin Kumar Sinha, learned



counsel for the Central Bureau of Investigation, submitted that a case, being Gardanibagh (Shastrinagar) P.S. Case No. 336 of 1998, was entrusted to the Central Bureau of Investigation without investigation, thereafter, the Central Bureau of Investigation registered the case as R.C. Case No. 4(S) of 1999 and all the accused persons were convicted, but, the petitioner, Nirjesh Singh, and Satish Pandey, absconded and they were apprehended only in the year 2011 by that time other accused persons were convicted, thereafter, they were acquitted by this Court in criminal appeal 285 of 2009 and by different criminal appeals. Against the order of acquittal the Central Bureau of Investigation filed S.L.P. (Crl.) No. 010369-010377 of 2014. The Special Leave Petition has already been admitted and Cr. Appeal No. 2623-2631 of 2014 is pending before the Supreme Court. The trial Court has already written letters to the Supreme Court for transmitting the lower Court's records so that the trial of the petitioner could be concluded.

Having considered the facts that the petitioner absconded for more than 12 years and the trial of the petitioner could not be concluded due to non-availability of the lower Court's records and the trial Court has already written letter to the Registrar, Supreme Court, for transfer of the case to the trial Court, I am not inclined to enlarge the petitioner on bail.

Accordingly, the same is **rejected**.

(Prabhat Kumar Jha, J)

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