

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57915 of 2017

Arising Out of PS. Case No.-11 Year-2016 Thana- C.B.I CASE District- Muzaffarpur

Rishu Kumar Jaiswal @ Rishu Kumar, son of Binay Kumar, Resident of
Mohalla- Chowk Bazar, Behind Badi Mashjid, P.S.- Siwan, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Through C. B. I.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyam Shivam Sundaram

For the CBI : Mr. Bipin Kumar Sinha, SC, CBI

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

15 11-07-2018

Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the CBI.

Petitioner, already in custody, seeks bail in connection
with CBI/SC-II Case No. R.C. 11(S)/2016-
SCU.V/SC.IICBI/New Delhi, arising out of Siwan Town P.S.
Case No.362 of 2016 registered under Sections 120(B)/302/34
of the Indian Penal Code as well as under Section 27 of the
Arms Act.

Allegation in brief is that some miscreants intercepted
the informant's husband, a journalist of Hindustan Newspaper,
on the way and he was killed by professional criminals by
shooting indiscriminately at him. Later on during investigation,
it transpired that the petitioner along with Rohit, the pillion
rider, intercepted the victim and Rohit shot at him causing his
death instantaneously on the spot.



Learned counsel for the petitioner submits that the petitioner is not the assailant rather the pillion rider is said to have shot at the deceased and he is alleged to driving the motorcycle and still substantial progress has not been made in the case as charge has not been framed and petitioner has been in custody since 25.05.2016; whereas the learned counsel appearing on behalf of the CBI submits that it is a planned murder with conspiracy of Md. Sahabuddin however allegation is specific against the petitioner who intercepted the deceased by motorbike and his associate, the pillion rider, shot at the deceased, moreover the bail application of other co-accused, Laddan Mian whose case is on lesser footing to the petitioner was earlier rejected by a co-ordinate Bench of this Court.

Having considered the nature of evidence against the petitioner, the Court is not persuaded to grant him bail accordingly, the prayer of bail of the petitioner is rejected.

However, the trial court is directed to expedite the trial.

(Arun Kumar, J)

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