

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13950 of 2019**

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

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AZAHARUDDIN BEIG @ LADDAN MIYA, son of late Md. Kundan Miya  
@ Late Md. Kudrusu Miya @ Late Nasaruddin Beg, resident of Ramnagar,  
P.S- Siwan Town, District- Siwan

... .. Petitioner/s

Versus

The Central Bureau of Investigation through Superintendent of Police, C.B.I.  
SC II New Delhi

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate  
Mr. Ranjeet Kumar, Advocate  
For the Opposite Party/s : Mr. Bipin Kumar Sinha, SC, CBI

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

10/ 02-08-2019 Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail in **CBI Case No. RC 11(s) of 2016** instituted for the offence under Section(s) 120-B, 302/34 Indian Penal Code and Section 27 of the Arms Act pending in the Court of the **Special Judge cum Additional Sessions Judge, 11<sup>th</sup>, CBI, Muzaffarpur.**

It is alleged in the written report that on 13.05.2016 call was received by husband of informant, namely, Rajdeo Ranjan, on mobile. Thereafter, her husband proceeded towards Station Road and when he reached near the fruit market, some unknown professional criminals shot him dead by silencer fitted gun.

The police after investigation submitted charge-sheet



against the petitioner and other accused. Later on, case was handed over to the CBI for investigation.

Counsel for the petitioner submits that name of this petitioner has come in the confessional statement of co-accused, Rohit Kumar Soni. He is not named in the First Information Report.

Counsel for the CBI submits that there are sufficient materials against the petitioner in the charge-sheet. He has further submitted that this petitioner has bad criminal antecedents. There are 27 cases pending against him. Petitioner is the main conspirator in the occurrence.

From perusal of para 8 of charge-sheet, it appears that co-accused, Rohit Kumar Soni, has stated that Laddan Mian (petitioner) gave him rupees fifteen thousand, one pistol and 06 cartridges for committing murder of husband of informant, Rajdeo Ranjan (since deceased). Rohit Kumar Soni has further stated in his confessional statement that Laddan Mian (petitioner) has promised him to give two katthas of land after murder of Rajdeo Ranjan. Said pistol and cartridges were recovered from possession of Sonu Kumar Gupta, which were sent to FSL, Patna. It was opined by the FSL that it was the same weapon which was used in the commission of murder of



Rajdeo Ranjan.

Counsel for the petitioner submits earlier prayer for bail was rejected by order dated 18.10.2017 passed in Cr. Misc. No.30393 of 2017 with liberty to renew the prayer for bail after framing of charge.

Supplementary Counter Affidavit has been filed on behalf of the CBI stating therein that on 29.01.2019 charge has been framed against the petitioner. Two witnesses have been examined in the case. Prosecution is interested for speedy trial of the case. There are 96 witnesses in the charge-sheet out of which 58 witnesses are private witnesses and 38 witnesses are official witnesses.

Counsel for the petitioner submits that still there are several witnesses to be examined. The petitioner is in custody since 02.06.2016.

Counsel for the CBI has relied on the judgment of the Supreme Court in the case of ***Union of India Vs. Rajesh Ranjan*** reported in ***(2004) 7 SCC 539***, wherein, Hon'ble Supreme Court has held that *previous order referred to by the High Court only made a mention that the respondent could renew the application after framing of the charge against him. That observation is not a ground envisaged under Section 437*



*(1)(i) of the Code for granting bail.*

Counsel for the CBI submits that there is every chance of tampering of evidence by this petitioner in the event he is released on bail. He is having bad criminal antecedents. Total 27 cases are pending against him.

In view of specific allegation against the petitioner in para 8 of the charge-sheet, as mentioned above, coupled with fact that petitioner has criminal antecedents and charge has already been framed as well as two witnesses have been examined, this Court is not inclined to enlarge the petitioner on bail.

Prayer of the petitioner for grant of bail is **rejected at this stage.**

The trial Court is directed to expedite the trial and make all efforts to conclude the same as early as possible, preferably, within a period of nine months from the date of receipt of a copy of this order either by fixing the case on day to day basis or by giving short adjournments and send compliance report to this Court after conclusion of trial.

**(Sanjay Priya, J)**

J. Alam/-

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