

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57349 of 2019

Arising Out of PS. Case No.-17 Year-2017 Thana- C.B.I CASE District- Patna

RAKESH KUMAR @ RAKESH KUMAR YADAV S/o Late Kasturi Prasad
Resident of Near Sheethla Sthan, P.S.- Tilaka Manjhi, District- Bhagalpur
(Bihar), At present village- Tintanga Karari, P.S.- Gopalpur, District-
Bhagalpur

... .. Petitioner

Versus

CENTRAL BUREAU OF INVESTIGATION PATNA

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Y.V. Giri, Senior Advocate

Mr. Pranav Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 04-12-2019 Heard learned counsel for the parties.

This application for grant of bail arises out of Special CBI Case No. 4 of 2018 arising out of RC No.17A of 2017 bearing RC 2172017A0017 for the offence punishable under Sections 34, 120B, 409, 419, 420, 467, 468 and 471 of the Indian Penal Code.

The petitioner's prayer for regular bail was earlier rejected by an order dated 07.08.2018 passed in Cr. Misc. No. 34601 of 2018, after noticing in detail the case of the prosecution and the submission advanced on behalf of the petitioner. The investigation, to the extent, the same relates to the petitioner, has been completed and a charge-sheet has been submitted on 16.02.2018.



Mr. Bipin Kumar Sinha, learned counsel appearing on behalf of the Central Bureau of Investigation (CBI), has, however, submitted that further investigation into the case is going on under Section 173(8) of the Code of Criminal Procedure.

Mr. Y.V.Giri, learned Senior Counsel appearing on behalf of the petitioner, has submitted that he is in custody since 12.08.2017 and till date, even the police papers have not been supplied to him. He also submits that no proceeds of crime has been recovered from him in course of investigation.

He has referred to an order dated 16.10.2019 passed by this Court in Cr. Misc. No. 20603 of 2019, which also arises out of the same infamous 'Srijan Scam', to contend that the trial Court has been directed to expedite the framing of charge in the said case with a liberty to the petitioner to renew his prayer for bail after framing of the charges.

In compliance of the order of this Court dated 11.09.2019, a report has been submitted by the learned Additional District and Sessions Judge-XIV-cum-Special Judge C.B.I.-II, Patna, indicating that all possible efforts shall be taken to conclude the trial after framing of charge. The report is dated 18.10.2019.



Be that as it may, since the petitioner's application for bail was earlier rejected by this Court by order dated 07.08.2018, for the present, I am not inclined to entertain this application.

However, considering the submission made on behalf of the petitioner, this application is disposed of with an observation that the petitioner shall be at liberty to renew his prayer for bail after framing of charge against him.

(Chakradhari Sharan Singh, J)

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