

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37360 of 2018

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

Nirjesh Singh @ Nirjesh Kumar @ Naga Singh, Son of Swaraj Singh,
resident of Village- Moldiar Tola, Mokama, P.S.- Mokama, District- Patna.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr.Bipin Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 04-01-2019 Heard both sides.

The petitioner seeks bail in R.C. Case No.4(s)99 arising out of Gardanibagh(Shastrinagar) P.S. Case No.336 of 1998 registered under Section 302 and other Sections of the Indian Penal Code and Section 27 of the Arms Act, corresponding to Sessions Trial No.1301 of 2012.

Learned counsel for the petitioner submits that petitioner earlier moved for his bail in Cr. Misc. No.21215 of 2015 but the same was rejected on 07.09.2015. The petitioner again moved for bail in Cr. Misc. No.8118 of 2017 and the same was rejected on 20.09.2017. It is submitted that one Amrendra Kumar lodged the fardbeyan at I.G.I.M.S., Patna on 13.06.1998 that he went to see Brij Bihari Prasad, an M.L.A. who was under treatment at I.G.I.M.S. and the informant made allegation that



Bhupendra Nath Dubey, Mantu Tiwari, Munna Shukla, Shri Prakash Shukla, Rajan Tiwari and many others made indiscriminate firing killing the minister Brij Bihari Prasad and his bodyguard on the spot.

Learned counsel for the petitioner submits that petitioner was remanded in this case on 12.07.2011 and since then he has been in custody and the trial has not yet been concluded.

On the other hand, Mr. Bipin Kumar Sinha, learned counsel for the C.B.I. submits that the case is of the year 1998. The chargesheet was submitted against the petitioner showing the petitioner absconder. Petitioner was only arrested on 12.07.2011. All other accused persons were convicted. They preferred criminal appeal in this Court and they were acquitted. Against the judgment and order of acquittal, the C.B.I. preferred appeal before the Supreme Court which is admitted. The record of the trial has also been sent to the Hon'ble Supreme Court and on account of non-availability of the record, the trial of the petitioner could not be concluded. The petitioner is a veteran criminal and even after the present case, the petitioner remained absconding and he committed more than about 70 crimes all of heinous nature registered under Sections 302, 364 and other



Sections of the Indian Penal Code. The petitioner is a threat to the society.

It is evident from facts that C.B.I. submitted chargesheet against the petitioner showing him absconder, the petitioner remained absconding for more than 13 years. From perusal of para 3 of bail petition itself, it appears that the petitioner is accused in the present case and thereafter the petitioner made accused in more than 70 criminal cases all of heinous nature.

Taking into consideration the facts that the trial could not be concluded due to non-availability of the record which is pending in the Hon'ble Supreme Court and the petitioner has got criminal antecedent and he is accused in more than 70 cases, all of heinous nature, such as, murder, kidnapping for ransom etc., I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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