

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62758 of 2019

Arising Out of PS. Case No.-11 Year-2016 Thana- C.B.I CASE District- Muzaffarpur
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RAJESH KUMAR Son of Sri Shankar Prasad At- Babunia Road, P.S.-
Siwan Town, District- Siwan.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. The Central Bureau of Investigation through S.P., C.B.I., SC-II, New Delhi. New Delhi.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan, Adv.
For the Opposite Party/s : Mr.Choubey Jawahar, APP
For the C.B.I. : Mr. Bipin Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 09-09-2020 Heard Mr. Yashraj Bardhan, learned counsel

for the petitioner and Mr. Bipin Kumar Sinha, learned

counsel for the C.B.I. The State is represented by Mr.

Choubey Jawahar, learned APP.

The petitioner seeks bail in connection with

C.B.I. Case No. RC 11 (s) /2016-SU.V/SCIICBI/New

Delhi instituted for offence Sections 120B, 302/34 of

the Indian Penal Code and Section 27 of the Arms Act.

The prayer for bail of the petitioner was earlier



rejected by this Court vide order dated 02.01.2018 passed in Cr. Misc. No. 43501 of 2017.

The allegation against the petitioner is of providing information to the marauders to kill the deceased.

Learned counsel for the petitioner has submitted that his implication in this case is only on the basis of confession of one Vijay Kumar Gupta. He further submits that after a day of such confession, another person by the name of Upendra had given a confession in which he had named one Laddan and Nanhu as the assailants. The submission, therefore, is that only in order to save the main culprits and zeroing on the petitioner, such later confession was not taken into account.

These facts were argued on the last occasion also and this court had considered the same and had rejected the prayer for bail of the petitioner.

However, this Court takes notice of the fact that



the petitioner has remained in custody since 26.06.2016. A report, therefore, was called for from the court below about the stage of the case, which report has since been received. Uptil now, according to the report, 17 witnesses have been examined.

Learned counsel for the petitioner submits that there is no likelihood of the trial being concluded in the near future.

As opposed to the aforesaid contentions, Mr. Sinha learned counsel for the C.B.I. submits that there are many witnesses, who are yet to be examined and this is a case where a press man was killed in a dare devil manner.

Considering the nature of accusation against the petitioner, I am not inclined to grant bail to him for the present.

However, the trial court is directed to expedite and conclude the trial within a period of one year from today.



In case the trial is not concluded within the aforesaid period, the petitioner would be at liberty to approach the trial court and seek bail during the pendency of the Trial. In that event the trial court would be under an obligation to record the reasons for non conclusion of the Trial.

(Ashutosh Kumar, J)

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