

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4018 of 2020

Arising Out of PS. Case No.-266 Year-2012 Thana- DHANARUA District- Patna

Rohan Yadav @ Rohan Prasad, aged about 50 years, Male, Son of Late
Baleshwar Yadav, resident of village- Nejamat, P.S.- Dhanarua, District- Patna
... .. Petitioner/s

Versus

1. The State Of Bihar
2. Superintendent of Police, SCB, CBI, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prem Ranjan Kumar, Advocate
For the State	:	Mr. Pramod Kumar Pandey, APP
For the CBI	:	Mr. Bipin Kumar Sinha, SC

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-07-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Prem Ranjan Kumar, learned counsel for the petitioner; Mr. Pramod Kumar Pandey, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Bipin Kumar Sinha, learned counsel for the Central Bureau of Investigation (hereinafter referred to as the “CBI”).

3. The petitioner is in custody in connection with Dhanarua P.S. Case No.266 of 2012 dated 12.08.2012 instituted under Sections 341, 323, 504, 385, 307, 302/34 of the Indian



Penal Code and 27 of the Arms Act.

4. The petitioner had earlier moved this Court thrice. On 08.05.2014, the prayer for bail was rejected in Cr. Misc. No.9500 of 2014. Thereafter, again, Cr. Misc. No. 44391 of 2014, filed seeking bail, was dismissed on 03.03.2015. In the third attempt, in Cr. Misc. No.11232 of 2015, by order dated 25.05.2015, he was granted bail. The informant of the case filed Cr. Misc. No.29397 of 2015 seeking cancellation of bail granted to the petitioner on the ground that he had committed forgery before the Court, inasmuch as, forged and fabricated copy of the FIR was placed on record in Cr. Misc. No.11232 of 2015 in which another co-accused was shown as the main assailant though in the genuine copy it was the petitioner, who is said to be the main assailant. Finally, by order dated 10.08.2016, the Court cancelled the bail of the petitioner. Further, the CBI was directed to investigate the matter.

5. Learned counsel for the petitioner submitted that he is in custody since almost eight years now. However, he admitted that in the trial many witnesses have been examined.

6. Learned APP submitted that the petitioner is the main assailant and on merits, the matter was dismissed on 08.05.2014.



7. Learned counsel for the CBI submitted that pursuant to the direction of the Court, RC No.10 of 2017 case has been instituted against the petitioner and another person and after submission of charge-sheet, cognizance has also been taken against both of them by order dated 26.09.2019.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties as also the fact that the trial has proceeded substantially, the Court is not inclined to grant bail to the petitioner.

9. Accordingly, the application stands dismissed.

10. However, the Court below shall expedite the trial.

(Ahsanuddin Amanullah, J)

J. Alam/-

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