

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25440 of 2020

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. Kuddan Miya @ Late Md. Kudrush Miya @ Late Nasaruddin Beg Resident of - Ram Nagar, 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 New Delhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate
		Mr. Ranjeet Kumar, Advocate
For the Opposite Party/s	:	Mr. Bipin Kumar Sinha, SC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 08-04-2021 Heard learned counsel for the petitioner and learned counsel for the CBI.

In this case, the petitioner is seeking bail in connection with Sessions Trial No. 700 of 2017/170 of 2017 corresponding to R.C. 11 (S) of 2016 arising out of Siwan Town P.S. Case No.362 of 2016, registered for the offence punishable under Sections 302, 120 (B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

Earlier the petitioner moved before this Court for grant of bail vide Cr. Misc. No. 30393 of 2017, which was rejected vide order dated 18.10.2017 and, thereafter, the petitioner renewed his prayer for grant of bail vide Cr. Misc. No.



65196 of 2018, which was again rejected vide order dated 16.01.2019, thereafter, again the petitioner renewed his prayer for bail vide Cr. Misc. No. 13950 of 2019, which was again rejected vide order dated 02.08.2019, at that time of rejecting the prayer for bail, an observation was given in the following manner :

“ 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”.

Mr. Y.V. Giri, learned Senior counsel appearing for the petitioner has drawn the attention of this Court towards the order dated 22.02.2021 wherein the Court has recorded the submission of Mr. Giri in which he has taken a plea that Article 21 of the Constitution of India prescribes the expeditious completion of trial as liberty of the citizen cannot be curtailed and, as such, the duty of the Court is to conclude the trial without any delay, but the Court has taken cognizance of the order dated 22.12.2020 passed in Cr. Misc. No. 4423 of 2020 and, on that ground, the Court has directed that let this case be



listed before the Bench, who has passed the order dated 22.12.2020 in Cr. Misc. No. 4423 of 2020 and, accordingly, this case has been listed before this Court.

Earlier co-accused Rohit Kumar Soni @ Rohit Kumar moved before this Court for grant of bail vide Cr. Misc. No. 4423 of 2020, which was rejected vide order dated 22.12.2020, but this Court has directed the trial Court to expedite the trial and conclude the same preferably within a period of three years.

Counsel for the petitioner submits that observation made in that case (Rohit Kumar Soni) is contradictory to the observation made in the present case and this has happened on account of fact that the aforesaid order has not been brought to the notice of this Court.

It is a high profile case, so this matter has been given/referred to the CBI for investigation and now, it appears that, CBI Court is conducting the trial. All together 96 prosecution witnesses have been shown to be examined. Out of them, till date, 22 prosecution witnesses have been examined.

Counsel for the petitioner submits that all the witnesses, who have been examined, have not said anything against the present petitioner, as such, it amounts to illegal confinement.



Counsel for the CBI has submitted that the petitioner is the main conspirator in the occurrence and all together 27 cases are pending against him. He further submits that he is the right hand of high profile Ex-M.P. and at his behest, this occurrence has been committed. He further submits that situation is that no one is coming out to say words and, as such, all the witnesses, against him, have been declared hostile.

This Court is not giving any opinion on the merit of the case as the matter has come for grant of bail. Mr. Sinha has informed this Court that this case has been shifted/transferred to CBI Court, Patna from the CBI Court, Muzaffarpur and it is in the process of completion of the trial.

This Court must take judicial notice of the fact that still Corona is in-surge and we are conducting the cases through virtual mode. During pandemic period even a single witness could not be examined on account of Covid-19.

Looking to the entirety of the matter and the present pandemic situation when the Corona is in-surge, large number of persons have been affected, the Court is functioning in virtual mode, this Court directs the trial court to complete the trial as early as possible, after the restoration of normal court proceeding.



With this observations/directions, this petition is
dismissed.

(Shivaji Pandey, J)

V.K.Pandey/-

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