

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29930 of 2020**

Arising Out of PS. Case No.-2 Year-2017 Thana- C.B.I CASE District- Patna

Shankar Kumar @ Shankar Sonar S/o Shiv Nandan Prasad Resident of Village-Warsaliganj Main Road, near Bijli Office, P.S.-Warsaliganj, District-Nawada.

... .. Petitioner

Versus

1. The Union of India
2. The Honourable High Court, through Registrar General, Patna. Patna.
3. The C.B.I. S.P., Patna. Patna.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Bipin Kumar, Sinha, S/C, CBI

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 05-04-2021 Heard learned counsel for the petitioner and Mr. Bipin Kumar Sinha, learned Standing Counsel representing the Central Bureau of Investigation.

This is the second attempt of the petitioner to obtain bail in connection with C.B.I. Case No. RC02(S)/2017 registered for the offence under Sections 120B, 419, 420, 467, 468 & 471 of the Indian Penal Code.

Earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 15.06.2020 passed in Cr. Misc. No. 11538/2020 (Annexure '2') with an observation that the petitioner may renew his prayer for bail after framing of charge.



Learned counsel for the petitioner submits that the learned court below has not proceeded with the case because one of the co-accused has been evading appearance. It is submitted that for no fault on the part of the petitioner the charge has not been framed till date.

Learned counsel further points out that the petitioner is in custody in connection with this case since 04.11.2019 and for no fault on his part if the trial has been delayed, he cannot be kept incarceration as a measure of punishment.

On the other hand, learned counsel for the Central Bureau of Investigation submits that earlier the two accused namely Kanhaiya Kumar and Dhiraj Kumar @ Vishwakarma were absconding, however one of the co-accused has surrendered in this case. At this stage, the only co-accused Dhiraj Kumar @ Vishwakarma is evading appearance. Learned counsel, however, submits that till date the learned court below has not passed any order under Section 82 Cr.P.C. against the absconding accused.

Learned counsel for the petitioner has informed this Court that a petition was filed by him in the learned court below to separate his records and frame the charges but no order has been passed thereon.



In the given facts and circumstances of the case, where the petitioner has already filed an application in the learned court below to separate his records and proceed towards framing of charge, this Court finds no reason for the learned court below to keep the matter pending. The learned court below shall consider the application of the petitioner and pass an appropriate order within three weeks from today.

Once the charge is framed, the petitioner will be at liberty to move this Court afresh. It will, however, be open for the trial court to continue with the trial of the case.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

