

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45464 of 2021**

Arising Out of PS. Case No.-17 Year-2017 Thana- C.B.I CASE District- Patna

RAKESH KUMAR @ RAKESH KUMAR YADAV S/o LATE KASTURI PRASAD R/o NEAR SHEETHLA STHAN, P.S- TILAKA MANJHI, DISTRICT- BHAGALPUR (BIHAR), AT PRESENT VILLAGE-TINTANGA KARARI, P.S- GOPALPUR, DISTRICT-BHAGALPUR

... .. Petitioner

Versus

CENTRAL BUREAU OF INVESTIGATION BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Y.V. Giri, Senior Advocate  
Mr. Pranav Kumar, Advocate  
For the Opposite Party/s : Mr. Bipin Kumar Sinha

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      25-08-2021                      The matter has been taken up for hearing *on-line* because of COVID-19 Pandemic restrictions.

Heard Mr. Y.V. Giri, learned Senior Counsel appearing on behalf of the petitioner and Mr. Bipin Kumar Sinha, learned counsel appearing on behalf of the Central Bureau of Investigation.

This is an application for grant of regular bail in connection with Special CBI Case No.4/2018 arising out of RC No. 17A/17 bearing RC 2172017A0017 registered for the offences punishable under Sections 34, 120B, 409, 419, 420, 467, 468 & 471 of the Indian Penal Code.

The petitioner is in custody since 12.08.2017. This is his fourth attempt during his custody before this Court for his



release on regular bail. While rejecting the petitioner's prayer for grant of regular bail on the third time by order dated 09.03.2021 passed in Cr. Misc. No. 2495 of 2021, this Court had made following observations : -

*“Be that as it may, considering the fact that in previous orders there was specific observation that the petitioner shall renew his prayer for bail after framing of charge, this application is disposed of with a liberty to the petitioner to renew his prayer for bail after two months.*

*In the meanwhile, the Court below shall ensure that the charges are framed.*

*It is indicated that even if the charges are not framed within two months for no latches on the part of the petitioner, the Court will consider grant him privilege of regular bail.”*

Mr. Y.V. Giri, learned Senior Counsel appearing on behalf of the petitioner has drawn the Court's attention to an order passed by the trial Court wherein he has expressed his inability to frame charge because some of the accused persons have filed application for their discharge, which are pending.

The present bail application arise out of an infamous scam, popularly known as 'Srijan Scam'.



Be that as it may, considering the fact that the petitioner is in custody since 12.08.2017 and till date even the charge has not been framed, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IIIrd-cum-Special Judge, CBI-II, Patna, in Special CBI Case No.4/2018 arising out of RC No. 17A/17 bearing RC 2172017A0017.

**(Chakradhari Sharan Singh, J)**

Pawan/-

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