

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2495 of 2021

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

RAKESH KUMAR @ RAKESH KUMAR YADAV Son of Late Kasturi Prasad Resident of Village - Near Sheethal Sthan, P.S.- Tilaka Manjhi, Distt.- Bhagalpur (Bihar), At Present Village0 Tintanga Karari, P.S.- Gopalpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

Central Bureau of Investigation Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Y.V. Giri (Sr. Advocate)
	:	Mr.Ashish Giri
	:	Mr.Pranav Kumar
	:	Ms.Shristi Singh
For the Opposite Party/s	:	Mr.Bipin Kumar Sinha (CBI)
	:	Mr.Ravi Bhushan

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 09-03-2021 Heard learned counsel for the parties.

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 had earlier approached this Court for grant of regular bail twice, which was rejected by orders dated 07.08.2018 and 04.12.2019 passed in Cr. Misc. No. 34601 of 2018 and Cr. Misc. No. 57349 of 2019. While rejecting the petitioner's prayer for regular bail by an order dated 04.12.2019 (supra) it was indicated that the petitioner shall be at liberty to



renew his prayer for bail after framing of charge against him.

It is the petitioner's case that despite no latches on his part, the Court below has not been able to frame charge against him. Accordingly, present application has been filed renewing his prayer for grant of regular bail.

Considering the aforesaid stand taken on behalf of the petitioner, the Court had called for a report from the Court below, as regards present stage of the case. A report has been received from the learned Spl. Judge C.B.I.-II, Patna, dated 22.02.2021 wherein it has been mentioned that the petitioner filed a petition under Section 207 of the Cr.P.C. on 17.09.2020 for supply of the police papers which is pending disposal, because of which the charge could not be framed.

Mr. Y. V. Giri, learned Senior counsel appearing on behalf of the petitioner has argued that police papers were supplied to the petitioner much before 17.09.2020 but when it was found by the petitioner that statement of one of the witnesses which was shown as part of police papers was missing and accordingly he had made an application under Section 207 of the Cr.P.C. for supply of the said documents.

During the course of hearing, learned counsel appearing on behalf of the CBI has handed over a copy of the



aforesaid missing document to Mr. Y. V. Giri, learned Senior counsel. Mr. Giri, learned Senior counsel has contended that the said application filed by the petitioner before the Court below seeking supply of police papers has lost its efficacy and has accordingly become infructuous in view of the missing document having been supplied to him. He has further submitted that in similar circumstance other co-accused persons have been allowed bail.

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.

(Chakradhari Sharan Singh, J)

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