

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63825 of 2021

Arising Out of PS. Case No.-380 Year-2016 Thana- KOTWALI District- Patna

Rajiv Ranjan Singh @ Raju Singh @ Rajiv Ranjan @ Raju, (Male), aged about 38 years, Son of Late Ram Chandra Singh, permanent resident of Village- Wajitpur, P.S.- Bihta, District- Patna, A/P residing at Flat No. -401, Pushpa Mention Apartment, Viveka Nand Park, Road No. 13A, P.O. and P.S.- Patliputra, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Birendra Sharma, Advocate
For the Opposite Party : Mrs. Anita Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
CAV ORDER

4 15-04-2022 The petitioner had earlier approached this Court vide Criminal Miscellaneous No. 50253 of 2016 seeking regular bail in connection with Kotwali P.S. Case No. 380 of 2016. When the said bail application of the petitioner was taken up on 21.11.2016, a joint prayer was made on behalf of the parties for referring the matter to the Patna High Court Mediation Centre to get the dispute settled by way of Mediation. Considering the said prayer, this Court vide order dated 21.11.2016 released the petitioner on provisional bail in order to facilitate the participation of the petitioner in the mediation proceedings. The Mediator submitted his report dated 20.06.2017, wherein it was reported that even after best efforts made by the Mediator on



several dates to settle the dispute the parties could not reach at a settlement and thus the mediation failed. This Court had then proceeded to hear the regular bail application of the petitioner on merit.

(2) On 18.10.2017, this Court taking into account, *inter alia*, that the petitioner intentionally induced the informant and received Rs. 3,88,85,000/- (Rupees Three Crores Eighty Eight Lacs and Eighty Five Thousand Only) by giving false assurance that they have acquired the said property and further to execute a sale deed and to get it registered in favour of Informant Company showed a forged document, thus committed the offences as alleged by the prosecution, rejected the prayer for regular bail of the petitioner. Further, the provisional bail granted to the petitioner was cancelled and he was directed to surrender in the learned court below within a period of eight weeks. Moreover, it was also made clear that if the petitioner fails to do so, the learned court below will be at liberty to take all necessary steps under the law for appearance of the petitioner in this case.

(3) Thereafter, the petitioner did not surrender before the learned court below and moved before the Hon'ble Supreme Court vide Special Leave to Appeal (Crl.) No. 9622 of 2017,



challenging the order dated 18.10.2017, by which his regular bail application stood rejected by this Court. However, the said Special Leave to Appeal (Crl.) No. 9622 of 2017 was dismissed as withdrawn vide order dated 14.12.2017.

(4) The petitioner absconded for near about four years and ultimately got arrested by the police in this case on 20.08.2021 and since then he is in judicial custody.

(5) Now, the present application has been filed by the petitioner seeking regular bail in the present case.

(6) Learned Senior Counsel appearing for the petitioner submits that the petitioner is in custody since 20.08.2021 and charge-sheet has already been submitted in this case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is also submitted that payment of money was not made to the petitioner. He further submits that from perusal of the F.I.R., it is evident that the case relates to civil dispute and the informant has also filed a Money Suit No. 01 of 2018 for recovery of the alleged amount against the petitioner and others, which is pending in the court below. The F.I.R., has been lodged after four years of delay which casts doubt on the entire prosecution.

(7) Per contra, learned Senior Counsel appearing for



the informant submitted that there are twenty cases pending against the petitioner and several of them are of like nature. Further, it is submitted that the petitioner has disobeyed the order dated 18.10.2017 by which his provisional bail was cancelled and he was directed to surrender within a period of eight weeks. The petitioner had been absconding since 18.10.2017 till 20.08.2021 i.e., for approximately four years. The petitioner was arrested by the police on 20.08.2021. It has further been submitted that out of three accused persons, one of the co-accused has already been convicted by the learned trial court. The Special Leave to Appeal (Crl.) filed by the petitioner before the Hon'ble Supreme Court has also been dismissed as withdrawn by order dated 14.12.2017. Further, a co-ordinate Bench of this Court vide order dated 29.01.2021, passed in Criminal Miscellaneous No. 4411 of 2018, has dismissed the quashing application filed by the petitioner, challenging the order of taking cognizance, passed by learned Chief Judicial Magistrate in connection with this case.

(8) In the background of the aforesaid facts, a report was called for from the learned trial court regarding the present stage of the case and the number of the witnesses to be examined in the present case and within what period trial is



likely to be concluded. The report of the learned trial court dated 24.12.2021 is at Flag 'A', wherein it has been reported that discharge petition filed by the petitioner is pending for adjudication and hence charge has not yet been framed against the petitioner. Further, it has been reported that the trial is likely to be concluded within a period of six months.

(9) Taking into account that the petitioner has disobeyed the order of this Court and absconded for approximately four years, coupled with the fact that he has, as many as, twenty criminal cases pending against him, I am not inclined to grant bail to the petitioner. The prayer for bail is rejected in connection with Kotwali P.S. Case No. 380 of 2016, pending in the court of learned C.J.M., Patna.

(10) Learned trial court is directed to expedite the trial and conclude the same preferably within a period of six months from the date of receipt or production of this order.

(11) This application stands dismissed with aforesaid observation/direction.

(Sudhir Singh, J)

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