

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17428 of 2023

Arising Out of PS. Case No.-11 Year-2016 Thana- C.B.I CASE District- Muzaffarpur

Vijay Kumar Gupta, Son Of Shiv Jee Prasad @ Shiv Ji Prasad Gupta,
Resident Of Village, Mohalla- Shukla Toil Near Hanuman Mandir, Siwan,
P.S.- Siwan (Town), District- Siwan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopesh Raj- Advocate Ms. Kanchan Kumari- Advocate
For the C.B.I.	:	Ms. Nivedita Nirvikar- Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 17-05-2023 Heard Mr. Gopesh Raj, the learned counsel for the

petitioner assisted by Ms. Kanchan Kumari, learned counsel

and Ms. Nivedita Nirvikar, the learned senior counsel for the

C.B.I.

The learned counsel for the petitioner submits that

earlier the bail application of the petitioner was rejected by

order dated 09.02.2022 in Cr. Misc. No.40060 of 2021.

It is further submitted that the Court had given

liberty to the petitioner to renew his prayer for bail in the

event, if trial is not concluded within nine months from the

date of receipt/production of a copy of the order. It is next

submitted that the petitioner is in custody since 26.06.2016



i.e. for nearly seven years and still the trial is going on.

It is further submitted that altogether there are 96 witnesses, out of which within these seven years, 45 witnesses have been examined and still 51 witnesses are to be examined. It is further submitted that by no stretch of imagination, the trial would be concluded expeditiously and within a time frame.

The learned senior counsel appearing for the C.B.I. is not in a position to rebut the submission of the learned counsel for the petitioner.

Considering the period of incarceration of the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge C.B.I., Muzaffarpur in connection with S. Tr. No.700/2017 corresponding to Special Case No.74/2018 arising out of CBI Case No. RC 11(s) 2016

The application stands allowed.



However, in the event, if the trial Court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner, the learned trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner and to take all coercive steps to ensure that petitioner is behind bar.

(Satyavrat Verma, J)

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