

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.36 of 2023

Arising Out of PS. Case No.-11 Year-2021 Thana- NIA District- Patna

Rakesh Kumar S/o Parshuram Singh R/o mohalla- Gajadhar Chak, P.S.-
Danapur, District- Patna

... .. Appellant/s

Versus

The National Investigation Agency, Government of India New Delhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arvind Kumar Mouar, Advocate Mr. Raj Krishna Jha, Advocate
For the Respondent/s	:	Mr. K.N.Singh (A.D.S.G)
For the N.I.A.	:	Mr. Arvind Kumar, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 06-09-2023

Heard Mr. Arvind Kumar Mouar, learned

Advocate for the appellant, Mr. Arvind Kumar, Spl.PP for
the N.I.A. and the State.

2. The appellant seeks quashing of the order
dated 14.10.2022 passed in Special Case No. 07 of 2021,
arising out of R.C. No. 11 of 2021 (C.I.S. No. 07 of 2021)
by the learned Court of Special Judge, N.I.A., Patna,
Bihar, whereby the prayer for bail of the appellant was
rejected.



3. The appellant has been arrested from his Danapur residence from where huge cache of implements for making IED, Hand Grenades etc. were recovered.

4. As it appears from the FIR and the investigation report, simultaneous raids were conducted in a village in Jehanabad district in the house belonging to the father of the appellant and at Danapur where the arms and ammunitions were stored. The allegation against all the accused persons including the appellant is of manufacturing firearms, Hand Grenades etc. and supplying it to Maoist outfits, a banned organization.

5. The learned counsel for the appellant has submitted that merely because his father has been made accused in this case, he too has been roped in along with his two brothers. The appellant has sought the intervention of this Court on the ground that for the last several years he had been in private employment with various telephone companies.



6. He has also submitted that but for the fact that he is son of Parshuram Singh, the main accused, there is no other material to connect him with the offence. Merely because the appellant and his wife had some connection with one of the accused persons of this case, who is a noted Maoist and who is on run, that cannot be a ground for keeping the appellant in continued incarceration. All the materials taken on its face value do not *prima facie* make out any case under anyone of the Sections for which the appellant is sought to be prosecuted.

7. As opposed to the aforementioned contention, Mr. Arvind Kumar, learned Spl. PP has drawn the attention of this Court to the materials which were collected against the appellant during the course of investigation.

8. We had called for the chargesheet which has been produced today. It is a detailed document dealing with specific instances leading to the prosecution of the accused persons including the appellant. The appellant is said to be the son of Parshuram Singh who is an operative



of CPI (Maoist) and is involved in criminal conspiracy with his another son apart from the appellant and some other cadre members of CPI (M).

9. A conspiracy was hatched by the accused persons to supply IHGs to CPI (M) cadre. Evidence has been collected that the appellant was aware of his father's association with the Maoists in supplying of IHGs to the CPI (M) cadres.

10. The appellant also was found to be in close contact with one Uday Jee @ Rajesh Kumar Sinha @ Shailesh Srivastava, who has still not been arrested. The aforementioned person is a member of CPI (M) and is involved in many acts of violence which have been executed under the Maoist directions.

11. It further appears from the chargesheet that in the simultaneous raid conducted on 31.03.2021 at two places; one in the village home of the appellant and the other at Danapur where the appellant resides, explosives and incriminating materials were recovered. Those



implements were sent for Forensic Examination where it was confirmed that the items were parts of regular rifle with prohibited caliber and Grenade Launching Plate, Detonators etc. The *modus operandi* of the accused persons was also investigated. After the fabrication of IHGs, those were stored in the workshop from where the appellant was arrested.

12. The defence of the appellant that he has no connection with the affairs of his father, who may be involved in such act is thus not acceptable.

13. After having heard the learned counsel for the parties and having perused the materials against the appellant, we have not been persuaded to direct for release of the appellant from jail.

14. We say so also for the reason that chargesheet has already been submitted and in the trial, two of the prosecution witnesses have been examined.

15. The prayer of the appellant thus, is rejected.



16. However, we direct the learned Special Judge to conclude the trial without any delay within a reasonable period of time.

17. The appeal stands disposed of accordingly.

18. The copy of the chargesheet given to us by the Spl. PP is returned to him.

(Ashutosh Kumar, J)

(Alok Kumar Pandey, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2023
Transmission Date	11.09.2023

