

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65866 of 2023**

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

Rajesh Kumar Son Of Shankar Prasad Resident Of Village - Babunia Road,  
P.S. - Siwan (Town), District - Siwan

... .. Petitioner/s

Versus

Central Bureau Of Investigation Through Suptd Of Police Cbi, Sc -11, New  
Delhi New Delhi

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                          |
|----------------------|---|----------------------------------------------------------|
| For the Petitioner/s | : | Ms. Kanchan Kumari, Advocate<br>Mr. Gopesh Raj, Advocate |
| For the CBI          | : | Ms. Nivedita Nirvikar, Sr. Advocate                      |

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

9      04-10-2024                      Heard the parties.

2. The petitioner seeks bail in connection with Sessions Trial No. 700 of 2017, corresponding to Special Case No. 74 of 2018 arising out of C.B.I. Case No. RC. 11(s)/2016 dated 15.09.2016 instituted for the offences under Sections 120-B, 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act, 1959, primarily on the ground of his having remained in jail for more than eight years and the Trial yet not having been concluded.

3. On merits also, the learned Counsel for the



petitioner has pointed out that his role is only that of ascertaining the whereabouts of the deceased. On graver accusation, one of the co-accused persons, viz., Vijay Kumar Gupta has been granted bail by a Bench of this court.

4. Opposing the prayer for bail of the petitioner, Ms. Nivedita Nirvikar, the learned Senior Advocate for the C.B.I. has submitted that the judgment in the case could not be pronounced only because of the petitioner taking time to conclude his arguments. She has cited several dates on which adjournment was sought by the petitioner.

5. The C.B.I. has already concluded its arguments.

6. Under such circumstances, this court is not inclined to grant bail to the petitioner.

7. The prayer for bail of the petitioner is, hereby, rejected.

8. However, if the petitioner concludes his



argument within a period of four weeks, this court would expect that considering the long period of detention of the petitioner, the Trial court shall deliver the judgment without any unnecessary delay.

9. If there is any unusual delay in the Trial court concluding the case, it would be open for the petitioner to approach this Court again.

10. The petition stands disposed off with aforesaid observation.

(Ashutosh Kumar, J)

manoj/krishna-

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