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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 24th February, 2026.

Uploaded on: 26th February, 2026.

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CRL.A. 91/2015&CRL.M.A. 32334/2025

SANTOSHANAND AVADHUT @ GHANSHYAM PRASAD &
ANRAppellants

Through: Ms. Sima Gulati and Mr. Pankaj
Yadav, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: Mr. Rajesh Kumar, SPP-CBI with Ms.
Mishika Pandita, Mr. Changez Khan
and Mr. Siddharth Shekhar, Advs.

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AND

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CRL.A. 130/2015&CRL.M.A. 15461/2021

SUDEVANAND AVADHOOT @ RAMCHANDRA @ BHARAT @
DOCTOR @ MISRI LAL YADAVAppellant

Through: Ms. Sima Gulati and Mr. Pankaj
Yadav, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION (CBI)Respondent

Through: Mr. Rajesh Kumar, SPP-CBI with Ms.
Mishika Pandita, Mr. Changez Khan
and Mr. Siddharth Shekhar, Advs.
Mr. Ajit Sharma, Ms. Kanchan, Mr.
Raghav Sood and Mr. Aditya Jha,
Advocates.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.



2. An incident occurred on 2nd January, 1975 leading to the unfortunate demise of Sh. L.N. Mishra, the then Railway Minister, Government of India at the Samastipur Railway Station in Bihar. The said incident is at the core of these two appeals. There were a total of three persons who had passed away in the said incident and 18 persons were injured.

3. The said incident was initially investigated by the State C.I.D., Bihar and the same was thereafter, handed over to the Central Bureau of Investigation (hereinafter, 'CBI') within a span of 2 to 3 days itself. The CBI had then taken over the investigation and the matter is stated to have been overseen by the then Director, CBI, namely, Sh. D. Sen. In the said investigation, initially, two individuals, namely, Sh. Arun Kumar Mishra and Sh. Arun Kumar Thakur were arrested by the CBI on 8th February, 1975.

4 The statements of Sh. Arun Kumar Mishra and Sh. Arun Kumar Thakur under Section 164 of the Code of Criminal Procedure, 1973 (hereinafter, 'Cr.P.C.') were recorded on at least two occasions. After the arrest of the said persons, sometime in July-August of 1975, the investigation took a different turn and individuals belonging to a particular sect namely, *Anand Margis* were made the Accused persons and were arrested.

5. This turn in the investigation was on the basis of the statements given by two individuals, namely, Sh. Madan Mohan Shrivastava @ Visheshwaranand as also Sh. Bikram @ Jaldhar Dass. The CBI, thereafter, arrested Anand Margis' *i.e.*, followers of Anand Marg in July-August of 1975, suspected to be involved in the present offence. The arrested Anand Margis' include the present two Appellants.

6. The initial two Accused persons who were arrested *i.e.*, Sh. Arun Kumar Mishra and Sh. Arun Kumar Thakur were discharged by the



Magistrate Court in Bihar *vide* order dated 20th November, 1975.

7. In the year 1975, post the time when the present incident had taken place, it is a matter of public knowledge that a National Emergency had been imposed which was finally withdrawn after a period of 18 months.

8. After the lifting of the National Emergency, the then Chief Minister of Bihar had directed a secret inquiry to be conducted into the whole matter and a report was sought. The said report was prepared and is dated 24th October, 1978. The same is relied upon by the family of Sh. L.N. Mishra, who is appearing before this Court as the victim's family, as also by the Appellants who were Anand Margis'. The Appellants submit that they have been wrongly convicted in the present case.

9. The trial of the present case was transferred to Delhi on 17th December, 1979 and after a period of almost 40 years, from the date of incident, the trial concluded and the judgement dated 8th December, 2014 was rendered by the Id. Sessions Judge, Shahdara, Karkardooma Court, Delhi convicting five of the Accused persons. Out of the five Accused persons, three persons have passed away and the remaining two are the Appellants before this Court.

10. Initially, when these appeals were filed, the Predecessor Bench had, *vide* order dated 7th April, 2015 considered various factors including the period of incarceration which the Appellants had undergone and certain other glaring facts such as their alleged absence from the railway station on the fateful day, etc. and accordingly, their sentences were suspended.

11. During the pendency of these appeals, the victim's family consisting of his grandson – Mr. Vaibhav Mishra, an Advocate sought to intervene and also prayed for being heard fully in the matter. In the said process, he had filed an application being ***I.A. 17605/2021*** in ***CRLA. 91/2015*** and a writ petition



being *W.P.(Crl) 201/2023* titled '*Vaibhav Mishra v. Central Bureau of Investigation & Ors.*'. Initially, Mr. Mishra was permitted to assist the prosecution, however, *W.P.(Crl.) 201/2023* finally culminated in the order of the Supreme Court dated 13th October, 2023 in *SLP(Crl) No. 013467 / 2023* titled '*Vaibhav Mishra v. Central Bureau of Investigation & Ors.*' wherein the Supreme Court directed as under:

- “1. *Delay condoned.*
2. *After arguing the case for some time, learned counsel for the petitioner seeks and is permitted to withdraw this petition with liberty to assist the Division Bench of Delhi High Court at the time of final hearing of the criminal appeals filed by the convicts, in accordance with law.*
3. *The special leave petition is dismissed as withdrawn with liberty as aforesaid.*”

12. The present matter continued to remain pending and on 11th November, 2025, the matter was adjourned at the request of Mr. Rajesh Kumar, Id. SPP, CBI to 24th February, 2026 *i.e.*, for today.

13. This order dated 11th November, 2025 was challenged before the Supreme Court in *Petition for Special Leave to Appeal (Crl.) 1742/2026* titled '*Vaibhav Mishra v. Central Bureau of Investigation & Anr.*' where the following order dated 11th February, 2026 has been passed by the Supreme Court:

- “1. *Criminal Appeal no.91/2015 is being heard by the High Court. We have no reason to doubt that with the able assistance and cooperation of the learned counsel for the parties, the High Court will make an endeavour to decide the same at the earliest.*
2. *The Special Leave Petition is, accordingly, disposed of.*
3. *All pending applications, if any, also stand disposed of.*”



14. In terms of the above order passed by the Supreme Court, it has been directed that an endeavour is to be made to decide these appeals at the earliest.

15. Accordingly, today, these matters have been taken up for hearing. Detailed submissions have been heard for more than an hour and a half.

16. Mr. Ajit Sharma along with Mr. Vaibhav Mishra, Id. Counsels for the victim's family have made their submissions. After hearing them and going through some of the record, which is quite voluminous, it is clear that the stand of the victim's family is that the course of investigation was deliberately changed leading to conviction of the Appellants. The prayer of the victim's family is that the matter deserves to be re-investigated. In support of this submission, the report dated 24th October, 1978 prepared by Mr. S.B. Sahai, Cabinet (Vigilance) Department, Bihar, Patna is relied upon to argue that the main conspirators and planners, who had executed the killing of Sh. L.N. Mishra have neither been implicated and have been given a complete clean chit. According to the victim's family, the same includes one Sh. Ram Vilas Jha, who was at the relevant point in time a Member of the Legislative Council in Bihar and was named by one of the persons who was investigated.

17. The Appellants are represented by Ms. Gulati, Id. Counsel who obviously support the prayer for re-investigation as their case is that they have been wrongly implicated in the present case.

18. The Court has put a pointed query to Mr. Rajesh Kumar, Id. SPP for CBI as to what is the stand of the CBI *i.e.*, whether it supports re-investigation or whether it supports the conviction of the Appellants in terms of the impugned judgment dated 8th December, 2014.

19. Mr. Rajesh Kumar, Id. SPP submits that he has received oral



instructions to support the judgment passed by the Sessions Court in Delhi, but there is no affidavit or status report filed on record.

20. Accordingly, let a status report be filed by the CBI taking a stand on this aspect. The said report shall be filed by an officer of not less than the rank of the Joint Director.

21. The status report shall be filed by the CBI at least two days before the next date of hearing.

22. Counsels for the Parties are permitted to obtain the electronic copy of the Court record including the Trial Court Record as also the paperbook and make their submissions on the next date of hearing.

23. List on 25th March, 2026 on top of the Board. Considering the directions given by the Supreme Court vide order dated, 11th February 2026, no adjournment slip shall be entertained and no adjournments shall be granted.

24. The present matters shall be treated as part-heard.

PRATHIBA M. SINGH
(JUDGE)

MADHU JAIN
(JUDGE)

FEBRUARY 24, 2026

Rahul/ck