

ITEM NO.14 Court 10 (Video Conferencing) SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3803/2021

(Arising out of impugned final judgment and order dated 10.03.2021 passed by the court of learned 8th Additional District & Sessions Judge, Samastipur in B.P. No. 170 of 2021)

RAKESH MANDAL @ RAKESH KUMAR

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.62556/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.62557/2021-EXEMPTION FROM FILING O.T.)

Date : 25-05-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s)

Mr. Shantanu Sagar, AOR
Mr. Prabhat Ranjan Raj, Adv.
Mr. Jeewesh Prakash, Adv.
Ms. Divya Mishra, Adv.
Mr. Anil Kumar, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The petitioner, who is accused of offences under Sections 341, 324, 326, 307, 506/34 IPC and Section 27 Arms Act with the allegation of his having caused injuries to the victim by use of fire arms, seeks leave to challenge the order passed by the 8th Additional District & Sessions Judge, Samastipur in B.P. No. 170 of 2021 rejecting his application for bail under Section 439 CrPC.

It is, *inter alia*, submitted that the petitioner has no option but to approach this Court directly against the order passed by the Sessions Judge because his petition filed in the High Court, being Criminal Miscellaneous Token No. 19219 of 2021, has yet not been processed.

In the totality of circumstances, though we are not inclined to take up the matter directly in this Court against the order impugned but, we are of the view that when the petitioner is in jail since 06.01.2021, his bail application deserves due consideration by the High Court. For that matter, we allow the petitioner to make a request to the High Court for taking up his bail application for consideration at an early date.

We hope and trust that such a request on behalf of the petitioner shall be given due consideration by the High Court.

This petition stands dismissed with the observations foregoing. Pending applications also stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)