

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**Criminal Appeal No 260 of 2020
(Arising out of SLP(Cr) No 3633 of 2019)**

Md. Mainuddin and Another

Appellant(s)

Versus

State of Bihar and Another

Respondent(s)

ORDER

1 Leave granted.

2 The appellants have been implicated in a First Information Report being FIR No 14/2018 for offences under Sections 341, 323, 307, 504 and 506 read with Section 34 of the Indian Penal Code registered at PS Dagarua, District Purniya, Bihar.

3 On 16 April 2019, the following order was passed by this Court:

“Delay condoned.

Issue notice, returnable in four weeks.

Liberty to serve the standing counsel for the State of Bihar.

In the meantime, there shall be a stay of arrest.

Liberty to implead the complainant as respondent. Amendment shall be carried out during the course of the day.

Notice shall also be issued to the newly added respondent.”

4 In pursuance of the above order, both the State of Bihar and the complainant have been represented.

5 On 5 March 2019, this Court granted an interim protection against the arrest to the wife and the daughter of the first appellant in SLP(Crl) Diary No 6880/2019. It also transpires from the record that there was an earlier incident on 26 June 2016, which led to the filing of an FIR by the first appellant being FIR No 59/2016 dated 27 June 2016.

6 Having regard to the above mentioned facts and circumstances, we are of the view that the appellants are entitled to anticipatory bail under Section 438 of the Code of Criminal Procedure 1973. We accordingly order and direct that in the event of the arrest of the appellants, they shall be released on bail subject to such terms and conditions as may be imposed by the Trial Court.

7 The Criminal Appeal is accordingly disposed of.

8 Pending application(s), if any, stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Indu Malhotra]

New Delhi;
February 10, 2020

ITEM NO.21

COURT NO.8

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 (CrI.) No.3633/2019

(Arising out of impugned final judgment and order dated 11-09-2018 in CRLM No. 54037/2018 passed by the High Court of Judicature at Patna)

MD. MAINUDDIN & ANR.

Petitioner(s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s)

(With appln.(s) for exemption from filing c/c of the impugned judgment, exemption from filing O.T. and intervention/impleadment)

Date : 10-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Mr. M. Shoeb Alam, Adv.
Ms. Fauzia Shakil, Adv.

For Respondent(s) Mr. Saket Singh, Adv.
Ms. Sangeeta Singh, Adv.
Mrs. Niranjana Singh, AOR

Mr. Durga Dutt, AOR
Md. Aftab Alam, Adv.
Mr. Jitendra Nath Pathak, Adv.
Mr. Aditya Kumar, Adv.
Mr. Sanchit Maheshwari, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, stand disposed of.

(Chetan Kumar)
A.R.-cum-P.S.

(Saroj Kumari Gaur)
Court Master

(Signed order is placed on the file)