

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(s).2585/2020

(Arising out of impugned final judgment and order dated 05-03-2020 in CRLM No. 70343/2019 passed by the High Court Of Judicature At Patna)

DIWAKAR PATHAK @ DIWAKAR KUMAR

Petitioner(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

(IA No.51627/2020-EXEMPTION FROM FILING O.T. and IA No.51629/2020-EXEMPTION FROM FILING AFFIDAVIT)

Date : 10-08-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Mr. Rohit Kumar Singh, Adv.
Mr. Neeraj Shekhar, AOR

For Respondent(s)

Mr. Devashish Bharuka, AOR
Ms. Sarvshree Singh, Adv.

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

Heard learned counsel for the parties.

This special leave petition is against the order of the High Court dated 05.03.2020 by which the bail application filed by the petitioner in a case under Section 302 Indian Penal Code has been rejected.

Learned counsel for the petitioner submits that the co-accused Naveen Barnawal has already been granted bail and High Court erred in distinguishing the case of Naveen Barnawal, whereas the role

assigned to both, petitioner and Naveen Barnwal, was the same.

We have looked into the first information report which makes it clear that role of the petitioner and Naveen Barnawal is one and the same. Co-accused having been granted bail and there is no distinguishing role of the petitioner with the co-accused, we are of the view that petitioner has made out a case for grant of bail. Let the petitioner be released on bail subject to terms and conditions as fixed by the Trial Court.

The special leave petition is disposed of.

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

(ARJUN BISHT)
COURT MASTER (SH)

(RENU KAPOOR)
BRANCH OFFICER