

ITEM NO.25

Court 2 (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 for Special Leave to Appeal (Crl.) No.3676/2020

(Arising out of impugned final judgment and order dated 19-02-2020 in CRLM No. 57831/2019 passed by the High Court of Judicature at Patna)

AVINASH KUMAR

Petitioner(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 75911/2020, FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 75914/2020 AND FOR EXEMPTION FROM FILING O.T. ON IA 75915/2020)

WITH

SLP(Crl) No. 3561/2020 (II-A)

(FOR ADMISSION and I.R. IA No. 72876/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA No. 72877/2020 - EXEMPTION FROM FILING O.T.)

Date : 02-11-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s)

Mr. Alakh Alok, AOR

Mr. Santosh Kumar, Adv.
Mr. Rajiv Ranjan Mishra, Adv.
Mr. Mushtaq Ahmad, AOR

For Respondent(s)

Mr. Keshav Mohan, Adv.
Mr. R.K. Awasthi, Adv.
Mr. Prashant Kumar, Adv.
Mr. Piyush Vatas, Adv.
Ms. Ritu Arora, Adv.
Mr. Santosh Kumar - I, AOR

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

The Court is convened through Video Conferencing.

Heard the learned counsel appearing for the parties.

After perusing the material available on record, we find that the petitioner (Avinash Kumar) in Special Leave Petition (Crl.) No.3676 of 2020 is in custody since 8-2-2017, i.e., for more than 3 ½ years and petitioner (Sanjeev Kumar @ Sajeev Kumar) in Special Leave Petition (Crl.) No.3561 of 2020 is in custody since 8-6-2017, i.e., for more than 3 years.

This Court vide order dated 6-10-2020 has already released the main accused (Sudir Kumar) on bail.

Nevertheless, learned counsel appearing for the respondent – State objected to the bail of the petitioner viz. Mr. Avinash Kumar in Special Leave Petition (Crl.) No.3676 of 2020 on the ground that the said accused is involved in some other cases as well. However, learned counsel also conceded to the fact that his involvement in other cases have no relation with the instant matter.

In view of the above submission and further taking into consideration the fact that the main accused has already been released on bail and the petitioner - Avinash Kumar is in jail for more than 3 ½ years and petitioner - Sanjeev Kumar @ Sajeev Kumar is in jail for more than 3 years as also the statement made by the learned counsel appearing for the State of Bihar that the investigation is over and the charge-sheet has already been filed and there is no possibility of completing the trial in near future, we are inclined to grant bail to the petitioners herein.

The petitioners are, accordingly, directed to be enlarged on bail on such terms and conditions which the concerned Trial Court shall deem fit and appropriate to impose upon them.

The Special Leave Petitions are disposed of in the afore-stated terms.

Pending applications filed in the matters also stand disposed of.

The petitioners are directed not to interfere in the trial process or try to influence the witnesses.

If the petitioners do not comply with the aforesaid directions, the respondent – State of Bihar would be at liberty to approach this Court for cancellation of bail granted to the petitioners herein.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(RAJ RANI NEGI)
DY. REGISTRAR