

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 842 OF 2020
(Arising out of Special Leave Petition (Crl.)Nos. 4893/2020)

KRISHNA MOHAN RAI ...APPELLANT(S)

VERSUS

STATE OF BIHAR & ANR. ...RESPONDENT(S)

ORDER

Leave granted.

This appeal challenges the order dated 12-06-2020 passed by the High Court of Judicature at Patna in Criminal Miscellaneous No. 38137/2019

In connection with crime registered pursuant to FIR No.172/2016 lodged with P.S. Mufassil, District West Champaran for the offences punishable under Sections 409 and 420 IPC, the appellant has been in custody since 11.07.2018.

His application seeking bail under Section 439 of the Code of Criminal Procedure having been rejected, the instant appeal has been preferred.

On 28.10.2020, notice was issued by this Court and liberty was granted to the learned Counsel for the appellant to serve the learned Standing Counsel for the State.

According to the office report dated 05.12.2020, notices on both the respondents have been served and learned Counsel for the appellant has also filed proof of dasti service alongwith affidavit of service.

However, none has entered appearance on behalf of the respondents.

We have gone through the record with the assistance of the learned Counsel for the appellant. Considering the fact that the appellant has been in custody for last more than two years and four months, in our view, case for release on bail is made out.

We, therefore, direct:

(a) The appellant shall be produced before the Trial Court within three days of the receipt of this order.

(b) The Trial Court shall release him on bail subject to such conditions as the Trial Court may deem appropriate to impose.

(c) The conditions must include directions that;

(i) The appellant will remain present on every single occasion when the case is listed before the Trial Court. and

(ii) The appellant shall not cause any hindrance with the smooth functioning of the prosecution nor shall he attempt to influence any of the witnesses.

With the aforesaid directions, the appeal is allowed.

.....J.
[Uday Umesh Lalit]

.....J.
[Vineet Saran]

.....J.
[S. Ravindra Bhat]

New Delhi;
December 8, 2020.

ITEM NO.8 Court 4 (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 (CrI.) No(s). 4893/2020

(Arising out of impugned final judgment and order dated 12-06-2020 in CRLMN No. 38137/2019 passed by the High Court Of Judicature At Patna)

KRISHNA MOHAN RAI

Petitioner(s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.103059/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.103063/2020-EXEMPTION FROM FILING O.T.)

Date : 08-12-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Deepak Nargolkar, Sr. Adv.
 Mr. Dipesh Sinha , AOR
 Mr. Prateek Kumar, Adv.

For Respondent(s)

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)