

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

**Criminal Appeal No. 1760 of 2019
(Arising out of SLP (Crl) No 9469 of 2019)**

Ramnath Rai

.... Appellant(s)

Versus

State of Bihar

....Respondent(s)

ORDER

Leave granted.

The appellant seeks bail in a prosecution under Sections 272, 273 and 413 read with Section 34 of the IPC and under the Bihar Prohibition and Excise (Amendment) Act 2018. This arises from a First Information Report lodged at Motipur Police Station in Case No 237 of 2019 dated 21 May 2019. The appellant has been in custody since 22 May 2019.

The High Court, while noting that the appellant had “one identical criminal antecedent”, directed that he be released on bail if the trial is not concluded within a period of six months from the date of framing of charges on furnishing a bail bond of Rupees Twenty Thousand with two sureties of the like amount to the satisfaction of the competent court.

Notice was issued by this Court on 18 October 2019, in pursuance of which the State of Bihar has entered appearance.

We have heard Mr. Ravi Chandra Prakash, learned counsel appearing for the appellant and Mr Shivam Singh, learned counsel

appearing for the State of Bihar.

Mr Shivam Singh, learned counsel appearing for the State of Bihar has fairly drawn the attention of this Court to an order dated 25 October 2019 passed by a coordinate Bench of this Court in **Lalit Paswan v State of Bihar**¹. Learned counsel also placed on record a copy of the order dated 13 August 2019 passed by a learned Single Judge of the High Court of Judicature at Patna in Criminal Miscellaneous No 50001 of 2019 which led to the above order of this Court dated 25 October 2019. The learned Single Judge of the High Court, in his order dated 13 August 2019, issued a similar direction to the effect that bail be granted if the trial is not concluded within six months from the date of framing of the charges. This order was found to be unsustainable by this Court which observed thus:

“A bare perusal of the impugned order reveals that the High Court was satisfied that the appellant deserves to be enlarged on bail. But the High Court nonetheless passed a peculiar order simultaneously granting yet denying the privilege of bail. It is very difficult to understand the manner of exercise of judicial discretion and the reasons for the same. No reasons have been indicated why the High Court despite being satisfied to grant bail simultaneously denied the benefit. The appellant was either entitled to the grant of bail or he was not entitled to the same.”

The order of the learned Single Judge was set aside and the bail application was directed to be considered afresh by the High Court. Since the appellant in that case was in custody since 19 June 2019, the High Court was requested to take up the bail application expeditiously without delay.

The attention of the Court has also been drawn to the fact that while the High Court in the impugned order dated 12 July 2019 has referred to another case which is pending against the appellant, the appellant has

been implicated in three cases, including the case at hand, out of which the present appeal arises. The details of these cases have been set out in a communication addressed to the learned counsel appearing for the State by the Senior Superintendent of Police, Muzaffarpur:

“(i) The petitioner is charge sheeted in Motipur P.S. case no.-138/19, dated 18-03-19, U/S-272/273 IPC and 30(a)/38(i) Bihar Prohibition and Excise Act. Charge sheet no.-196/19, dated 08-08-19.

(ii) The petitioner is Charge sheeted in Motipur P.S. Case no.237/19, dated 21-05-19, U/S-272/273/413/414 IPC and 30(a)/38(i)/41(i) Bihar Prohibition and Excise Act. Charge sheet no.140/19 dated 19-07-19.

(iii) The petitioner is an accused in Paroo P.S. case no.179/12 dated 29-09-12 U/S 420/467/468/471/379/290/291/270/272 IPC and 47(a) Bihar Prohibition and Excise Act.”

The appellant failed to disclose to the High Court one of the three cases pending against him. Learned counsel states that this was purely inadvertent since one other case has been noticed to be pending in the order of the learned Single Judge. Be that as it may, for the reasons which have been indicated in the judgment and order of this Court dated 25 October 2019 in **Lalit Paswan (supra)**, we are of the view that the impugned order of the High Court cannot be sustained. While, on the one hand, the High Court came to the conclusion that the appellant should be enlarged on bail, it nonetheless directed that bail should be granted only if the trial is not concluded within a period of six months from the date of framing of the charges. No effective progress has been made in the trial. Since the appellant is in custody since 22 May 2019, for six months, we are of the view that it would be appropriate and proper to direct that the appellant be released on bail, subject to such terms and conditions as may be imposed by the competent court in the criminal case arising out of FIR

No 237 of 2019, Motipur Police Station.

The appeal is accordingly disposed of.

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

.....J.
[Hrishikesh Roy]

New Delhi;
November 25, 2019

ITEM NO.40

COURT NO.7

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).9469/2019

(Arising out of impugned final judgment and order dated 12-07-2019 in CRLMN No. 43186/2019 passed by the High Court of Judicature at Patna)

RAMNATH RAI

Petitioner(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

(WITH I.R., IA No. 157647/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 157650/2019 - EXEMPTION FROM FILING O.T.)

Date : 25-11-2019 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Ravi Chandra Prakash, Adv.
Mr. Purushottam S. Tripathi, Adv.
Dr. Sushma Singh, Adv.
for M/s Ravi Chandra Prakash & Co.

For Respondent(s) Mr. Shivam Singh, Adv.
Mr. Gopal Singh, AOR

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

Leave granted.

Since the appellant is in custody since 22 May 2019, for six months, we are of the view that it would be appropriate and proper to direct that the appellant be released on bail, subject to such terms and conditions as may be imposed by the competent court in the criminal case arising out of FIR No 237 of 2019, Motipur Police Station.

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

(SANJAY KUMAR-I)

AR-CUM-PS

(Signed order is placed on the file)

(SAROJ KUMARI GAUR)

COURT MASTER