ITEM NO.7 COURT NO.17 SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).16184/2024

[Arising out of impugned final judgment and order dated 31-08-2024 in CRLM No.61308/2024 passed by the High Court of Judicature at Patna]

RITESH KUMAR Petitioner(s)

VERSUS

THE STATE OF BIHAR Respondent(s)

(IA No. 268069/2024 - EXEMPTION FROM FILING O.T.)

Date : 17-03-2025 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Kumar Parimal, Adv.
Mr. Smarhar Singh, AOR

For Respondent(s) Mr. Anshul Narayan, Addl. Standing Counsel,Adv.
Mr. Prem Prakash, AOR
Mr. Amit Pratap Shaunak, Adv.

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

The present petition has been filed by the petitioner being aggrieved by portion of the order impugned dated 31.08.2024, which reads as under:-

“8. It is further made clear that if charge-sheet is submitted against the petitioner connecting him with the offence in that event the present anticipatory bail order shall lose its effect and the learned trial court shall take all coercive steps to ensure that petitioner is behind bar.”

2. Learned counsel for the petitioner submits that such a condition of the petitioner being taken into custody upon submission of charge-sheet was not proper and has placed reliance upon the order of a Coordinate Bench of this Court dated 10.02.2025 passed in Criminal Appeal No.719 of 2025, which is also arising out of the same FIR.

3. Having considered the matter, we are of the firm opinion that whenever a Court considers an application for anticipatory bail/bail, it is a composite order and one portion cannot be segregated from the other. Thus, if a Court gives indulgence in one part, it is only in the background of what follows and how the Court balances the equities. In the present case, the Court after giving indulgence of granting anticipatory bail because at that point of time nothing serious had come against the petitioner; should then have left it open for the trial court to take a call on submission of charge-sheet. However, to this extent, the learned counsel for the petitioner is correct that there could not have been a specific direction that upon submission of charge-sheet, the Court shall take all coercive steps to ensure that the petitioner is behind bar. The Court could have just left it open for the trial court to consider the matter upon the petitioner appearing and then taking a call without there being any mandamus issued to take him into custody.

4. Accordingly, without interfering in the order impugned substantially, we modify the direction given in the last paragraph (paragraph no.8 of the order impugned) which shall read that since

the charge-sheet has now been submitted against the petitioner, he is required to appear before the Court on the question of bail in accordance with law based on the materials before the Court without being prejudiced by the order impugned. The petitioner shall appear before the Court concerned within a period of three weeks from today. Till then, the interim protection granted earlier by this Court by order dated 25.11.2024 shall continue.

5. Accordingly, the Special Leave Petition is disposed of.

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

(SAPNA BISHT)
COURT MASTER (SH)

(ANJALI PANWAR)
COURT MASTER (NSH)