

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.829/2026
(@Petition for Special Leave to Appeal (Crl.) No.837/2026)

RAMA KANT SINGH

Appellant(s)

VERSUS

STATE OF BIHAR & ORS.

Respondent(s)

O R D E R

1. Leave granted.
2. This appeal arises from the Order passed by the High Court of Judicature at Patna dated 30-7-2025 in Criminal Miscellaneous Application No.30622/2025 by which the anticipatory bail application preferred by the Respondent Nos.2 and 3 - herein respectively came to be allowed in connection with Bishanpur Police Station Case No.14 of 2025 registered on 27-1-2025 for the offence punishable under Sections 126(2), 115(2), 118(1), 109, 352, 351(2), 3(5) of the Bharatiya Nyay Sanhita (for short the, "BNS, 2023") respectively.
3. Later in point of time as the injured succumbed to the injuries, Section 103(1) of the BNS, 2023 (erstwhile Section 302 of the Indian Penal Code (for short, the "IPC")) came to be added.
4. The appellant before us is the son of the deceased. He also happens to be the original informant. The First Information Report lodged by the appellant - herein with the concerned Police Station on 27-1-2025 reads thus:-

"To

The Hon'ble Officer-in-Charge

P.S. Bishanpur, Darbhanga

Sir,

With due respect this is to inform that, I Ramakant Singh alias Sonu S/o Shri Shubh Narayan Singh am the resident of the village - Gorhiyari, P.S. Bishanpur, District Darbhanga. On 23.01.2025 at about 9.00 AM when I was going to recharge my mobile, then on the way (1) Rajneesh Kumar Singh alias Aman Kumar Singh aged 24 years S/o Ratneshwar Singh surrounded me in front of his house near the bridge and while using abusive and unparliamentary languages at me tried to kill me while throwing from the bridge and snatched my mobile and assaulted me by punch. Somehow I managed to escape and narrated the entire incident to my father and other family members on which my father and cousin brother Jai Shankar Prasad Singh and others went to the house of Ram Singhasan Singh for coercing. While hearing this Ram Singhasan Singh became very angry and ordered to kill them, upon which Rajneesh Kumar Singh & Aman Kumar Singh assaulted on the head of my father with the butt of pistol and Ratneshwar Singh with the iron rod and Ram Singhasan Singh also assaulted on the head of my father. My father fell down on the ground. When Jaishankar Prasad Singh tried to save him, then Seema Devi and Aarti Devi started throwing the bricks and stones. Even in the his fallen conditions, the all the accused persons assaulted on the head of my father with the rods and hammer and a lot of blood started oozing out from the mouth and nose of my father. During this period, while seeing the peoples coming they fled away. In his senseless condition. I brought my father alongwith my family members to DMCH, Darbhanga at 10.00 pm for treatment but seeing his critical condition they referred him to Patna for better treatment. When I reached Muzaffarpur, then his condition had worsened, hence he was taken to Prasad Clinic Muzaffarpur but the Doctors there also seeing his critical condition suggested to take him to Patna. On 24.01.2025 at 4'O clock day he was admitted in 'Samay Hospitia' Patna, where his brain surgery has been conducted. He is struggling with life and death on ventilator in ICU. Administration has been informed about the incident. My snatched mobile is Realme-C35, Seam No. 7488807358. Due to the previous enmity, they tried to kill.

Therefore, it is humbly requested from the Hon'ble Sir that appropriate legal action be taken against the guilty persons. For this I would be grateful to the Hon'ble Sir."

5. It appears that in all six persons have been named as accused in the FIR inclusive of the Respondent Nos.2 and 3 respectively before us. The Respondent Nos.2 and 3 apprehending arrest prayed for anticipatory bail before the Sessions Court. The Sessions Court declined to grant them anticipatory bail.

6. In such circumstances, they went before the High Court.
7. The High Court accepted their plea and granted them anticipatory bail.
8. The High Court while granting anticipatory bail observed in para 6 as under:-

"6. Considering the aforesaid facts and circumstances, there is no specific allegation of assault against these petitioners and specific allegation of assault is against co-accused person, namely, Ratneshwar Singh and there is case and counter case between the parties and there is also land dispute between the parties for which one Title Suit is pending between the parties, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Bishanpur P.S. Case No. 14 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

- i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.*
- ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.*
- iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification."*

9. The appellant, being the son of the deceased, is here before us with the present appeal being aggrieved by the grant of anticipatory bail to the two accused persons i.e. the Respondent Nos. 2 and 3 respectively before us.

10. We heard Mr. Devendra Kumar Singh, the learned counsel appearing for the appellant, Mr. Divyansh Mishra, the learned counsel appearing for the State and Mr. Ashish Giri, the learned Senior counsel appearing for the accused persons.

11. The High Court should have been mindful of the fact that the accused persons are alleged to have been involved in a serious crime like murder. We do not say for a moment that in connection with an offence of murder, Court should not grant anticipatory bail".

12. However, the principles governing grant of anticipatory bail are quite different compared to the principles governing grant of regular bail.

13. Anticipatory bail may be granted by the Court even in a case of murder provided the Court is convinced that the accused persons praying for anticipatory bail have been falsely implicated due to some personal vendetta, political rivalry etc. The accused praying for anticipatory bail has to make out more than a *prima facie* case of false implication.

14. Grant of anticipatory bail is not a matter of course. Here is a case where the accused persons have been named in the FIR. The first informant is none other but an eye-witness to the incident. He may be the son of the deceased but that by itself is not sufficient to disbelieve what he has alleged in the FIR more particularly when the investigation is going on. We also take into consideration the fact that the deceased died of multiple head injuries. Postmortem Report reveals there were multiple fractures. *Prima facie*, the ocular version as narrated is in tune with the

medical evidence on record.

15. Just because a title suit is pending between the parties by itself could not have been a ground to believe that the accused persons have been falsely implicated.

16. It also appears from the submissions made by the Additional Public Prosecutor before the High Court that the Respondent No.2 has five criminal antecedents and the Respondent No.3 has also few criminal antecedents.

17. In the overall view of the matter, we are convinced that the High Court committed an egregious error exercising its discretion in favour of the accused persons by granting them anticipatory bail.

18. In the result, this appeal succeeds and is hereby allowed.

19. The impugned Order passed by the High Court is set aside.

20. Both the accused persons i.e. Respondent Nos.2 and 3 respectively shall surrender before the Trial Court within a period of one week from today.

21. Once they surrender before the Trial Court, they shall be remanded to judicial custody. It will be open for both the accused persons to thereafter pray for regular bail.

22. We are informed that the investigation is over and charge-sheet has been filed.

23. The regular bail application that may be filed by the accused persons shall be considered on its own merits in accordance with law, having regard to the materials in the charge-sheet.

24. It is needless to clarify that the regular bail application shall be decided without being influenced by any of the observation

made by us in the present order. We have said in so many words that the principles governing grant of anticipatory bail differ to a considerable extent from the principles governing grant of regular bail. This shall be kept in mind by the concerned Court while considering the regular bail application of the accused persons.

25. Pending applications, if any, also stand disposed of.

.....J
(J.B. PARDIWALA)

.....J
(K.V. VISWANATHAN)

NEW DELHI
11TH FEBRUARY, 2026.

ITEM NO.2

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
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No.837/2026

[Arising out of impugned final judgment and order dated 30-07-2025 in CRM No. 30622/2025 passed by the High Court of Judicature at Patna]

RAMA KANT SINGH

Petitioner(s)

VERSUS

STATE OF BIHAR & ORS.

Respondent(s)

Date : 11-02-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
 HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Devendra Kumar Singh, Adv.
 Mr. Karunakar Mahalik, AOR

For Respondent(s) :

Mr. Manish Kumar, AOR
 Mr. Divyansh Mishra, Adv.
 Mr. Kumar Saurav, Adv.

Mr. Ashish Giri, Sr. Adv.
 Ms. S. Lakshmi Iyer, AOR
 Mr. Zafar Inayat, Adv.
 Mr. Nikhil, Adv.

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

1. Leave granted.
2. This appeal succeeds and is hereby allowed, in terms of the signed order.
3. The impugned Order passed by the High Court is set aside.
4. Both the accused persons i.e. Respondent Nos.2 and 3 respectively shall surrender before the Trial Court within a period of one week from today.

(VISHAL ANAND)
 ASTT. REGISTRAR-cum-PS
 (Signed Order is placed on the file)

(POOJA SHARMA)
 COURT MASTER (NSH)