

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

SPECIAL LEAVE PETITION (CRIMINAL)..... Diary No(s).25535/2024

(Arising out of impugned final judgment and order dated 13-03-2024 in CRM No.16868/2024 03-05-2024 in CRM No. 3800/2024 23-11-2023 in CRM No. 73309/2023 08-12-2023 in CRM No. 71851/2023 passed by the High Court Of Judicature At Patna)

RAMANANDSN PRASAD

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ANR. ETC.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.133178/2024-CONDONATION OF DELAY IN FILING and IA No.133179/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.133180/2024-EXEMPTION FROM FILING O.T. and IA No.133177/2024-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 10-07-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Jai Vardhan, Adv.
Ms. Aarti Singh, Adv.
Mr. Brijesh Gupta, Adv.
Mr. Kaushal Kishore, Adv.
Mr. Randhir Kumar Ojha, AOR

For Respondent(s)

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

1. Permission to file special leave petitions is granted.
2. Delay condoned.
3. The petitioner is the informant in Case No.178 of 2023 registered at Police Station Dhanarua, District Patna, under Sections 302, 120B, 34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959. The petitioner's case is that his wife was brutally murdered in his presence by various accused, including

the private respondents. The alleged motive for the murder was to grab the land and property of the petitioner, who was issue-less, but has now adopted one of his nephew (Uttam Kumar). The High Court has vide impugned orders dated 23.11.2023, 08.12.2023, 13.03.2024 and 03.05.2024 granted bail, pending trial, to the private respondents.

4. The petitioner has laid challenge to the grant of bail to the private respondents on various grounds, including that he and his adopted son are being constantly threatened; the private respondents are habitual offenders and that the High Court has erroneously proceeded on the premise that the private respondent have been implicated pursuant to confessional statements of the co-accused.

5. We have heard learned counsel for the petitioner. While we are not inclined to interfere in the orders granting bail to the private respondents at this stage, we deem it appropriate to dispose of these special leave petitions with the following directions:

(i) The Superintendent of Police of the District as well as SHO, Dhanarua shall assess the threat perception, if any, to the petitioner and his family and if there is any merit in such apprehension, adequate security shall be provided to protect the life and liberty of the petitioner and his family.

(ii) In case, it is found that the private respondents have indulged in threatening the petitioner or his nephew, the petitioner as well as the prosecution may immediately approach the High Court for cancellation of bail.

(iii) The respondents-accused shall remain present in Court on each and every date of hearing and their counsel will extend full cooperation to the Trial Court for early conclusion of the trial, failing which it shall be deemed to be misuse of the concession of bail.

6. The Trial Court shall make an endeavour to conclude the trial as early as possible, but not beyond the period of one year.

7. The special leave petitions are, accordingly, disposed of.

8. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR