

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION



CRIMINAL APPEAL NO(S).1303 OF 2024
(ARISING OUT OF S.L.P. (CRIMINAL) NO(S). 2251/2023)

MD. KHURSHID @ MD. KHURSHID ALAM

APPELLANT(S)

VERSUS

THE STATE OF BIHAR

RESPONDENT(S)

O R D E R

Heard the learned counsel appearing for the appellant, the learned counsel appearing for the State and we also allowed the learned counsel appearing for the first informant to make submissions.

Leave granted.

At the outset, we may note here that the grounds 'A' and 'B', which are factual grounds, are incorrect and misleading. The learned Advocate-on-Record claims that the grounds have been incorporated in the Appeal by mistake. However, we find that it is a case of non-application of mind by the Advocate who drafted the Appeal and perhaps, these grounds have been picked up from some other Special Leave Petition drafted by the Advocate. We cannot tolerate the Special Leave Petition being filed in such a casual manner. Therefore, we direct the Advocate-on-Record for the appellant to personally pay costs of Rs.10,000/- (Rupees Ten Thousand) to the Supreme Court Middle Income Group Legal Aid Society formed by this Court. Compliance to be reported within two weeks from today.

It is an admitted position that charge-sheet has been filed. The learned counsel appearing for the appellant, on instructions,

states that the appellant appeared yesterday before the Trial Court. As the charge-sheet has been filed, we do not see any necessity of taking the appellant into custody. Hence, the interim order dated 5th January, 2024 is made absolute subject to further condition that the appellant will be bound to follow all the conditions incorporated in sub-Section (2) of Section 438 of the Code of Criminal Procedure, 1973. In the event, the liberty granted is misused by the appellant, it will be open for the State as well as the first informant to apply for cancellation of bail.

The Appeal is, accordingly, allowed.

.....J.
(ABHAY S.OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
MARCH 01, 2024.

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). 2251/2023

(Arising out of impugned final judgment and order dated 01-11-2022 in CRM No. 34753/2022 passed by the High Court of Judicature at Patna)

MD. KHURSHID @ MD. KHURSHID ALAM Petitioner(s)

VERSUS

THE STATE OF BIHAR Respondent(s)

(IA No. 1918/2024 - FOR ADDITIONAL DOCUMENTS)

Date : 01-03-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Satpal Singh, AOR
Mr. V.S. Dubey, Adv.

For Respondent(s) Mr. Azmat Hayat Amanullah, AOR
Mr. Hardik Choudhary, Adv.

Mr. Ravi Ranjan, Adv.

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. The operative portion of the order reads thus:

"It is an admitted position that charge-sheet has been filed. The learned counsel appearing for the appellant, on instructions, states that the appellant appeared yesterday before the Trial Court. As the charge-sheet has been filed, we do not see any necessity of taking the appellant into custody. Hence, the interim order dated 5th January, 2024 is made absolute subject to further condition that the appellant will be bound to

follow all the conditions incorporated in sub-Section (2) of Section 438 of the Code of Criminal Procedure, 1973. In the event, the liberty granted is misused by the appellant, it will be open for the State as well as the first informant to apply for cancellation of bail.

The Appeal is, accordingly, allowed."

Pending application stands disposed of accordingly.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]