



ITEM NO.2

COURT NO.6

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

Special Leave to Appeal (Crl.) No. 15763/2026

[Arising out of impugned final judgment and order dated 07-05-2026 in CR. MISC. No. 28932/2026 passed by the High Court of Judicature at Patna]

DEV KUMAR PASWAN

Petitioner

VERSUS

STATE OF BIHAR

Respondent

**IA No. 253611/2026 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT**

IA No. 253612/2026 - EXEMPTION FROM FILING O.T.

**IA No. 254798/2026 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ ANNEXURES**

Date : 14-10-2026 This matter was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SHEEL NAGU**

**For Petitioner(s) :Ms. Fauzia Shakil, Adv.
Ms. Tanya Srivastava, AOR
Ms. Kushank Mittal, Adv.
Mr. Anmol Kheta, Adv.
Mr. Dinesh Kumar, Adv.**

**For Respondent(s) :Mr. Akshay Amritanshu- 3121, AOR
Mr. Sarthak Srivastava, Adv.
Mr. Utkarsh Rai, Adv.**

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

1. Ms. Fauzia Shakil, learned counsel appearing for the petitioner, has drawn our attention to an order dated 13th May, 2026 passed by the High Court of Judicature at Patna granting bail to a co-accused,

i.e., Sanjay Singh Bhokta @ Sanjay Singh.

2. It appears that the said accused, incarcerated since 24th July, 2025 and also having an antecedent, was granted bail on the following terms:

“8. It is made clear that the learned trial Court before releasing the petitioner on bail shall verify whether charges against the petitioner has been framed or not if it is found that charges against the petitioner has not been framed in that event the present order shall not be given effect to, but if it is found that charges against the petitioner stands framed then petitioner will be released forthwith.”

3. Petitioner and co-accused, Sanjay Singh Bhokta, along with others figure as accused in First Information Report¹ dated 8th November, 2018 under Sections 147, 148, 149, 307, 353, 504, 506, 120-B of the Indian Penal Code, 1860; Sections 25(1-B), 26, 27 and 35 of the Arms Act, 1959; Sections 3, 4 and 5 of the Explosive Substances Act, 1908; and Sections 16, 18 and 20 of the Unlawful Activities (Prevention) Act, 1967 (UAPA), registered by Police Station Dumariya, District Gaya, Bihar.

4. Ms. Shakil submits that while the petitioner was not named in the FIR, the said accused Sanjay Singh Bhokta is an FIR named accused who came to be arrested two months' after the petitioner had surrendered. She also submits that the petitioner stands on a better footing and is, thus, entitled to claim parity.

5. Ms. Shakil also draws our attention to paragraph 29 of the

¹ FIR

counter affidavit filed by the respondent - State of Bihar where it is averred as follows:

“29. It is submitted that charge could not be framed as the Petitioner, a non-FIR named accused, has not been produced from jail before the Ld. Trial Court.”

6. For want of adequate instructions, Mr. Akshay Amritanshu, learned counsel appearing for the State of Bihar is unable to throw light as to why for a period of almost 14 months, i.e., 10th May, 2025 (date on which the petitioner surrendered) till 29th July, 2025 (date on which supplementary charge sheet was filed), the petitioner could not be produced before the trial court and why charge has not been framed till date. Indeed, if what is disclosed in the affidavit is correct, it is surprising that the trial court has also not required the petitioner to be produced before it!

7. Be that as it may, we are *prima facie* of the view that the petitioner stands on a better footing than Sanjay Singh Bhokta and, therefore, we direct his release on interim bail, to be operative till the next date of hearing, subject to such terms and conditions to be imposed by the trial court.

8. The investigating officer of the case shall submit a report before this Court indicating the real reason for non-production of the petitioner before the trial court, which as per the aforesaid affidavit, has contributed to non-framing of charges against him.

9. At the same time, we require the Registrar General of the High

Court to obtain a report from the relevant trial court with regard to the undesirable development that has been noted above. Such report must be placed before the Registry of this Court in a sealed cover by 15th November, 2026.

10. Re-list the special leave petition on 17th November, 2026.

(JATINDER KAUR)
P.S. to REGISTRAR

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)