

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION(S)(CRIMINAL) NO(S). 420/2021

ABHYANAND SHARMA @ TINKU SHARMA

PETITIONER(S)

VERSUS

THE STATE OF BIHAR & ANR.

RESPONDENT(S)

WITH

MISCELLANEOUS APPLICATION NO. 2081 OF 2021

IN

CRIMINAL APPEAL No. 1836 OF 2013

O R D E R

WRIT PETITION (CRIMINAL) NO. 420 OF 2021

The present petition was originally filed with a complaint that arising from the self-same FIR, bail applications were filed separately by two accused persons and the one which was filed later was listed before the High Court of Patna and post-arrest bail was granted to him, but the petitioner who had filed the bail application earlier, his application was not listed and despite a request been made, his bail application could not be

taken on board and that was the reason for which the petitioner approached this Court by filing petition under Article 32 of the Constitution.

This Court took cognizance of this fact as it reveals from the order dated 25th October, 2021.

It was later informed to this Court that the bail application filed by the writ petitioner was also listed before the High Court of Patna and he too was granted post-arrest bail.

The matter could have been disposed of in the light of the later development which has taken place, but this Court was of the view that the practice being followed needs to be revisited by the High Court, particularly, if more than one bail applications are filed by co-accused persons arising from the self-same FIR, it has to be listed ordinarily before the same Court to avoid any disparity in passing of the orders in the bail applications.

In that reference, we called upon Mr. Gaurav Agrawal, Mr. Santosh Kumar and Mr. Shoaib Alam, learned Advocates, to give suggestions which may be the inputs for the High Court to take steps in making changes for giving effect to the suggestions to make the system more workable and effective and for better administration of justice.

All suggestions have been collated and made available to Mr. Gaurav Agrawal, learned Advocate, representing the High Court of Patna.

It is brought to our notice that Standing order No. 330/2019 regarding guidelines for arrest keeping in view Section 41A of the Code of Criminal Procedure has been issued by Delhi Police.

We are not dilating on the issue any further, but we keep it open for the State Government to look into these guidelines and implement it with any amendment/modification, if required, for giving effect to the mandate of Section 41A of the Code of Criminal Procedure.

After we have heard the learned Counsel for the parties, consider it appropriate to observe that the suggestions made available to Mr.Gaurav Agarwal, learned Advocate, may be looked into by the High Court and possible steps to implement the same be taken for better administration of justice and in the interest of the litigating people at large, particularly when the liberty of an individual is involved, which is sacrosanct.

We record our appreciation for Mr. Gaurav Agrawal, Mr. Santosh Kumar and Mr. Shoaib Alam, learned Advocates for the valuable suggestions extended by them.

The writ petition stands disposed of accordingly with the above observations.

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

M.A. NO. 2081 OF 2021 in CRL. A. No. 1836 OF 2013

M.A. Stands disposed of in light of the order passed in the above writ petition.

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

.....J.
(AJAY RASTOGI)

.....J.
(VIKRAM NATH)

NEW DELHI
MAY 10, 2022.

ITEM NO.3

COURT NO.12

SECTION X

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

WRIT PETITION(S)(CRIMINAL) NO(S). 420/2021

ABHYANAND SHARMA @ TINKU SHARMA

PETITIONER(S)

VERSUS

THE STATE OF BIHAR & ANR.

RESPONDENT(S)

(FOR ADMISSION and IA No.130896/2021-EXEMPTION FROM FILING O.T.)

WITH

MA 2081/2021 in CrI.A. No. 1836/2013 (II-A)

(FOR ADMISSION and IA No.149680/2021-INTERVENTION/IMPLEADMENT and IA No.149683/2021-PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS and IA No.163958/2021-APPLICATION FOR PERMISSION)

Date : 10-05-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Mr. Gaurav Agrawal, AOR

Mr. Abhay Prakash Sahay, Adv.
Mr. Himanshu Shekhar, AORMr. Shoaib Alam, Adv.
Mr. A.R. Takkar, Adv.
Mr. Charitarth Palli, Adv.
Mr. Ujjwal Singh, Adv.
Mr. Sahil Tagotra, AOR

For Respondent(s)

Mr. Neeraj Shekhar, AOR

Mr. Rishi K. Awasthi, Adv.
Mr. Prashant Kumar, Adv.
Mr. Santosh Kumar - I, AOR

Mr. Gaurav Agrawal, AOR

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

The writ petition and the M.A. stands disposed of in terms of the signed order.

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

**(POOJA SHARMA)
COURT MASTER (SH)**

**(BEENA JOLLY)
COURT MASTER (NSH)**

(Signed order is placed on the file.)