

2023 LiveLaw (SC) 278

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SANJAY KISHAN KAUL; J., ARAVIND KUMAR; J.
MARCH 27, 2023.**

**MISCELLANEOUS APPLICATION NO.409/2023 IN CRIMINAL APPEAL NO.1381/2022
DEEPAK KUMAR AZAD @ PAPPU versus THE STATE OF BIHAR**

Bail & Remand - Supreme Court expresses anguish at trial court dismissing bail application ignoring its judgment in [Satender Kumar Antil v. Central Bureau of Investigation, 2022 LiveLaw \(SC\) 577](#) - Directs District Judge to transfer case to another Magistrate - Reminds that Prosecutors have duty to inform the court of the correct legal position.

For Petitioner(s) Mr. Anuj Prakaash, Adv. Mr. Namit Saxena, AOR Mr. Niraj Dubey, Adv. Mr. Sudhanshu Chandra, Adv. Mr. Gaurav Agrawal, AOR

For Respondent(s) Mr. Manish Kumar, AOR

ORDER

Issue notice which is accepted by learned counsel for the respondent.

It does appear to us that despite various orders passed by this Court, either the trial Courts are not appreciating the ambit of the orders of this Court or for best reasons consider it appropriate to keep dismissing the applications for bail. The least said the better for the assistance rendered by the learned APO also before the Court whose duty it was to point out the correct purport of the orders passed by this Court.

We have no hesitation in setting aside the order dated 08.09.2022 and continuing the interim protection for the benefit of the appellant till the Court considers the regular bail filed by the appellant.

The concerned District Judge to mark this case to some other Judge.

A copy of the order to be placed before the Judge also who passed the order.

The M.A. stands disposed of.

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