

HIGH COURT OF JUDICATURE AT PATNA

CIRCULAR ORDER NO. 1 OF 2024

(In addition to Rule 3A (f) of Chapter XII of Rules of Patna High Court, 1916 and Notice dated 26.09.2022)

In compliance with the observations made by the Hon'ble Supreme Court of India in para-20 of its judgement dated 19th January, 2024 passed in Criminal Appeal No. 303 of 2024 (Kusha Duruka Vrs. The State of Odisha) arising out of SLP (Cri.) No. 12301 of 2023, the following directions in the matter of filing and hearing of the bail applications U/s, 438 & 439 of Cr.P.C arising out of the same F.I.R. are issued for strict compliance:-

1. Instructions for learned counsel/parties

The following details shall mandatorily be mentioned in the application(s) filed for grant of bail U/s 438 & 439 of Cr.P.C. arising out of the same F.I.R.;

- (a) Details and copies of order(s) passed in the earlier bail application(s) filed by the petitioner which have been already decided.
- (b) Details of any bail application(s) filed by the petitioner, which is pending either in any court, below the court in question or the higher court, and if none is pending, a clear statement to that effect has to be made.
- (c) All bail applications filed by the different accused in the same FIR shall be listed before the same Hon'ble Judge who had earlier heard the application of an accused (decided on merit or disposed of as withdrawn/not pressed) irrespective of the availability of Roster except in cases where the Hon'ble Judge has superannuated or has been transferred or otherwise incapacitated to hear the matter. Earlier bail applications which have been disposed of by more than one Hon'ble Bench, the application shall be tied-up with the available Junior most Hon'ble Judge.
- (d) Details of the bail application whether it is first, second or third and so on, below the cause title (in bold letters), for convenience of the court to appreciate the arguments in that light and enable the next higher court to appreciate the arguments later.

2. Instructions for Registry

The Registry of the court shall annex a report generated from the system about decided or pending bail application(s) in the crime case in question. The

same system shall be followed even in the case of private complaints where no FIR number is there.

3. Besides the above, the existing instructions relating to applications under Section 482 Cr.P.C. shall have the similar listing procedure as detailed in this Court's Notice dated 26.9.2022 and also in line with the above directions.

The aforementioned instructions shall be followed scrupulously henceforth by all concerned and any deviation shall be indicated as defect by the Stamp Reporting Section. Noncompliance of the instructions by the Registry shall be viewed seriously.

By order of the Court

Registrar General

Dated, the 02nd March February, 2024

(Rules Department)

Memo No. 15185-15230 / Dated 02/03/2024

Copy forwarded to the:

1. Secretary General, Supreme Court of India, New Delhi;
2. Director, Bihar Judicial Academy, Gai Ghat, Patna;
3. Member-Secretary, BSLSA, Patna;
4. Advocate General, Bihar, Patna;
5. Chairman, Bihar State Bar Council, Patna;
6. Additional Solicitor General of India for the High Court of Judicature at Patna;
7. Secretary, Bar Association, Patna;
8. Secretary, Advocate Association, Patna;
9. Secretary, Lawyers' Association, Patna;
10. District and Sessions Judge,(All) to circulate the same amongst all the Judicial Officers/ Presiding Officer, Tribunals/ Bar Associations functioning within their jurisdiction;
For information and necessary action.

Registrar General

Memo No. 15231 /Dated: 02/03/2024

Copy forwarded to the Senior Programmer of this Court with a direction to ensure that information regarding private complaints is generated by the system even if no FIR number is assigned. Further, this Circular be uploaded in the official website of the Court.


Registrar General

Memo No. 15232 /Dated 02/03/2024

Copy forwarded to the Additional Chief Secretary to the Government of Bihar in Home Department, Patna for information with a request to circulate the same amongst all other Departments of the State Government for their information and necessary action.


Registrar General

Memo No. 15233 - 15312 /Dated 02/03/2024

Copy forwarded to the :

1. All Officers of the Court;
2. Registrar-cum-Principal Private Secretary to the Hon'ble the Chief Justice;
3. Joint Registrar-cum-APPSs; Deputy Registrar-cum-Senior Secretaries; AR-Cum-Secretaries attached to the Hon'ble Judges of the Court for placing the same before Their Lordships' kind information; #
4. Assistant Registrar-cum-Stamp Reporter and Oath Commissioner;
5. All Section Officers of the Court;
6. All Court Masters of the Court; ##
7. Peskar, Lawzima Court;

for information and necessary action.

Through I/c P.A. Section

Through I/c Court Master Section


Registrar General