

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION



CRIMINAL APPEAL NO(S).3648 OF 2024
(ARISING OUT OF S.L.P. (CRIMINAL) NO(S). 8620/2024)

JITENDRA PASWAN

APPELLANT(S)

VERSUS

THE STATE OF BIHAR & ANR.

RESPONDENT(S)

O R D E R

IA No.191573/2024 seeking impleadment as party respondent no.2 is allowed.

Heard the learned counsel appearing for the appellant, the learned counsel appearing for respondent no.1-State and the learned counsel appearing for respondent no.2.

Leave granted.

We have perused the impugned order which is not challenged by any party, except the appellant-accused. The impugned order proceeds on the footing that the appellant is entitled to bail and, in fact, the impugned order grants bail to the appellant. However, it is observed in paragraph 9 of the impugned order that the order granting bail shall be implemented after six months. Once a Court comes to a conclusion that an accused is entitled to bail, the Court cannot postpone the grant of bail. After holding that an accused is entitled to bail, if the Court postpones the operation of an order granting bail, it may amount to violation of the fundamental rights guaranteed under Article 21 of the Constitution of India.

Hence, we partly allow the Appeal by deleting the words “but after six months from today” from paragraph 9 of the impugned order. The appellant is already released on interim bail under the orders of this Court. Hence, the interim bail granted to the appellant by this Court will continue till the conclusion of the trial.

The Appeal is, accordingly, partly allowed on the above terms.

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

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
SEPTEMBER 02, 2024.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 8620/2024

(Arising out of impugned final judgment and order dated 19-04-2024 in CRLM No. 7478/2024 passed by the High Court of Judicature at Patna)

JITENDRA PASWAN

Petitioner(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

(IA NO.191573/2024 - FOR IMPLEADMENT AND IA NO.191575/2024 - FOR EXEMPTION FROM FILING O.T.)

Date : 02-09-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Ms. Kawalpreet Kaur, Adv.
Mr. Satya Mitra, AOR

For Respondent(s) Mr. Azmat Hayat Amanullah, AOR
Ms. Rebecca Mishra, Adv.

Mr. Smarhar Singh, AOR
Ms. Shweta Kumari, Adv.
Mr. Manoj Kumar, Adv.

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

IA No.191573/2024 is allowed.

Leave granted.

The Appeal is allowed in terms of the signed order. The operative portion of the order reads thus:

"Hence, we partly allow the Appeal by deleting the words "but after six months from today" from paragraph 9 of the impugned order. The appellant is already released on interim bail under the orders of this Court. Hence, the interim bail

granted to the appellant by this Court will continue till the conclusion of the trial.

The Appeal is, accordingly, partly allowed on the above terms."

Pending application stands disposed of accordingly.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]