

ITEM NO.10

COURT NO.2

SECTION X

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

Writ Petition(s)(Criminal) No(s). 55/2025

SHEKHAR PRASAD MAHTO @ SHEKHAR KUSHWAHA

Petitioner(s)

VERSUS

THE REGISTRAR GENERAL JHARKHAND HIGH COURT & ANR. Respondent(s)
FOR ADMISSION

Date : 07-02-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. Ajay Vikram Singh, AOR
Mr. Vijay Kumar Pandey, Adv.
Mrs. Pragya Sharma, Adv.
Mr. Udayan Sinha, Adv.
Mr. Prakhar Prakash, Adv.
Mr. Op Kharbanda, Adv.
Mr. Hemant Mour, Adv.

For Respondent(s) :

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

1. Learned counsel for the petitioner submits that in defiance of the orders passed by this Court on 31.07.2023 in SLP(Crl.) No. 7203 of 2003 and on 12.12.2023 in SLP(Crl.) No. 15585 of 2023, the matters pertaining to the same FIR were not placed before the same learned Judge.

2. It is submitted that this Court in unequivocal terms has directed that all the matters arising out of the same FIR

should be placed before the same learned Judge.

3. It is, however, submitted that in the present case though Judge 'A' had passed an order in the bail application preferred by a co-accused, the application for bail preferred by the petitioner was placed before Judge 'B'.

4. The three judges-Bench of this Court in SLP(Crl) No. 7203 of 2023 has observed thus:

"7. We have come across various matters from the High Court of Allahabad, wherein matters arising out of the same FIR are placed before different Judges. This leads to anomalous situation. Inasmuch as some of the learned Judges grant bail and some other Judges refuse to grant bail, even when the role attributed to the applicants is almost similar."

5. The said observations have been reiterated by a two-Judge Bench of this Court in SLP(Crl.) No. 15585 of 2023 titled as "Rajpal Vs. State of Rajasthan".

6. What this Court meant in passing the order dated 31.07.2023 was that when the bail matters are assigned to different Benches and when those bail applications arise out of the same FIR and if such application are heard by different Benches, it leads to an anomalous situation, inasmuch as some of the benches grant bail whereas some of them take a different view.

7. However, it is to be noted that in many High Courts, the roster system is followed.

8. After a particular period, the assignment of the learned

Judges change. It is also quite possible that the learned Single Judge, who was earlier taking up the assignment of bail matters may in the subsequent roster be a part of the Division bench.

9. We are, therefore, of the view that if the aforesaid direction is followed universally, it may lead to disruption of benches inasmuch as the learned judge who had initially heard the bail application of one of the accused, may have become a part of some Division Bench when a bail application arising out of the same FIR is filed by another accused.

10. We, therefore, clarify that if in a particular High Court, the bail applications are assigned to different single Judge/Bench, in that event, all the applications arising out of same FIR should be placed before one learned Judge.

11. This would ensure that there is a consistency in the views taken by the learned judge in different bail applications arising out of the same FIR.

12. However, if on account of change of the roster, the learned judge who was earlier dealing with the bail matters is not taking up the bail matters, the aforesaid directions would not be applicable.

13. Further, we expect that in order to maintain consistency in the views taken by the Court, the learned judge, who will hear the subsequent applications filed for bail, may give due

weightage to the views taken by the earlier judge, who had dealt with the bail applications arising out of the same FIR.

14. We find that if this is not followed and if the judges sitting in the Division Bench or thereafter taking up different assignments are required to take up the applications arising out of the same FIR, it may further delay the decisions in the bail matters.

15. The Registrar (Judl.) is directed to forward a copy of this order to the Registrar Generals of all the High Courts.

16. Needless to state that taking into consideration the urgency in deciding bail matters, learned Judge of the High Court to whom the bail application of the present petitioner is assigned, shall decide the matter expeditiously.

17. With these observations, the writ petition is disposed of.

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

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)