

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 (Cr1.) No(s). 15538/2023

(Arising out of impugned final judgment and order dated 11-10-2023 in CRM No. 45266/2023 passed by the High Court of Judicature at Patna)

MD. SAHZAD @ BARATU @ BARNT & ANR.

Petitioner(s)

VERSUS

STATE OF BIHAR

Respondent(s)

(FOR ADMISSION and IA No.249991/2023-EXEMPTION FROM FILING O.T.)

Date : 06-12-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s)

Mr. Praveen Swarup, AOR
Mr. Devesh Maurya, Adv.
Mr. Diwakar Shukla, Adv.
Mr. O.P. Harsh Singh Munday, Adv.
Ms. Payal Swarup, Adv.
Ms. Mohini Kumari, Adv.
Mr. Pratham Sethi, Adv.

For Respondent(s)

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

Application for exemption from filing official translation is allowed.

As regard the first petitioner-Md.Sahzad @ Baratu @ Barat, we agree with the High Court that no case was made out to grant him benefit of pre-arrest bail.

After having perused the allegations made in the First Information report, we find that a case is made out to protect the second petitioner-Md.Tauhid @ Kallu

So far as the first petitioner is concerned, the Special Leave Petition is dismissed. We grant him time of two weeks to surrender. After surrendering, if he makes an application for regular bail, the same shall be decided on its own merits.

Issue notice confined to the case of the petitioner No.2 returnable on 18th January, 2024.

In the meanwhile, the petitioner No.2 shall not be arrested in connection with FIR No.158 of 2023 registered at City Police Station, District Jehanabad, Bihar subject to the condition that he will always cooperate for investigation.

Liberty is granted to serve the standing counsel for the respondent-State, in addition.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER