



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.3011 OF 2024
(Arising out of S.L.P.(Criminal) No.6648 of 2024)

SANTOSH KUMAR @ SANTOSH ... APPELLANT(S)

VS.

THE STATE OF BIHAR ... RESPONDENT(S)

O R D E R

Leave granted.

Heard the learned counsel appearing for the parties.

All the offences against the appellant are triable by a Court of the Judicial Magistrate. A charge-sheet has been filed. As per the counter affidavit filed by the respondent-State, the case is still at the stage of appearance of the accused. In the three antecedents which are pleaded in the counter affidavit, the appellant is already enlarged on bail.

On 28th February, 2024 while rejecting the bail application, the High Court directed that the trial shall be concluded within a period of one year. We are surprised to note that notwithstanding the decision of the Constitution Bench in the case of *High Court Bar*

VERDICTUM.IN

*Association, Allahabad vs. State of U.P. & Ors.*¹ (2024) INSC 150, the High Courts are issuing such directions without even considering that every criminal Court in the State of Bihar will have huge pendency.

Though the learned counsel appearing for the respondent-State tried to contend that the appellant has been arrested in August, 2023, even the High Court records that the appellant is in custody since 24th June, 2023. Therefore, a case is made out for enlarging the appellant on bail, pending trial.

For that purpose, the appellant shall be produced before the Trial Court within a maximum period of one week from today. The Trial Court shall enlarge the appellant on bail on appropriate terms and conditions, pending trial.

The appeal is accordingly allowed.

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

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

NEW DELHI;
July 22, 2024.

1. (2024) INSC 150

**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 (CrI.) No(s). 6648/2024

(Arising out of impugned final judgment and order dated 28-02-2024 in CRM No. 273/2024 passed by the High Court of Judicature at Patna)

SANTOSH KUMAR @ SANTOSH

Petitioner(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

(FOR ADMISSION and I.R. and IA No.112516/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.112517/2024-EXEMPTION FROM FILING O.T.)

Date : 22-07-2024 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)

**Mr. Raja Choudhary, Adv.
Mr. Gaurav Ujjawal Verma, Adv.
Mr. Jatin Bhardwaj, Adv.
Mr. Gaurav Khosala, Adv.
Mr. Babu Malayi, Adv.
Mr. Rajesh Singh Chauhan, AOR**

For Respondent(s)

**Ms. Nitya Sharma, Adv.
Mr. Azmat Hayat Amanullah, AOR
Ms. Rebecca Mishra, Adv.
Mr. Bhavesh Yadav, Adv.
Ms. Neha Buttan, Adv.
Mr. Ashish Kumar Patel, Adv.
Mr. Siddharth Bhardwaj, Adv.
Ms. Yukta Garg, Adv.
Mr. Ravish Kumar Sinha, Adv.
Ms. Khushboo Takyar, Adv.
Mr. Angad Singh, Adv.
Mr. Neeraj, Adv.**

VERDICTUM.IN

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

Leave granted.

The appeal is allowed in terms of the signed order.

The appellant shall be produced before the Trial Court within a maximum period of one week from today. The Trial Court shall enlarge the appellant on bail on appropriate terms and conditions, pending trial.

Pending applications also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

(Signed order is placed on the file.)