



ITEM NO.17

COURT NO.16

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No.27349/2024

(Arising out of impugned final judgment and order dated 12-01-2024 in CRLM No.1705/2024 passed by the High Court of Judicature at Patna)

SHARWAN KUMAR YADAV @ SHARWAN YADAV

Petitioner(s)

VERSUS

STATE OF BIHAR

Respondent(s)

(With IA No.134778/2024-CONDONATION OF DELAY IN FILING and IA No.134779/2024-EXEMPTION FROM FILING O.T.)

Date : 01-07-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE UJJAL BHUYAN
(VACATION BENCH)

For Petitioner(s)

Mr. Vikas Gupta, AOR
Mr. Mukesh Kumar Verma, Adv.
Mr. Vivek Gupta, Adv.
Mr. Yadunanda Bansal, Adv.
Mr. Neeraj Srivastva, Adv.

For Respondent(s)

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

- 1 Delay condoned.

- 2 The petitioner herein prayed for bail before the High Court in connection with the First Information Report dated 26 January 2023 registered with Bahera Police Station, Darbhanga, State of Bihar for the offence punishable under Section 366(A) read with Section 34 of the Indian Penal Code.
- 3 We take notice of a very unusual order passed by the High Court. The High Court *vide* order dated 25 July 2023 ordered release of the petitioner on bail, but subject to the condition that the surety shall be the victim. It is the case of the petitioner that it was practically impossible to ask the victim to stand as a surety.
- 4 In such circumstances, the petitioner preferred an application seeking modification of the condition. The modification application came to be rejected by the High Court *vide* order dated 12 January 2024.
- 5 In such circumstances, the petitioner is before this Court.
- 6 It is very unfortunate to note that because of such absurd condition imposed by the High Court, the petitioner although ordered to be released on bail way back in July 2023, yet is still languishing in jail.
- 7 Issue notice, returnable in four weeks.
- 8 The condition imposed by the High Court *vide* order dated 25 July 2023, as regards asking the victim to stand as a surety is stayed from its operation.
- 9 The petitioner is ordered to be released on bail subject to the terms and conditions that the trial court may deem fit to impose.

(CHETAN KUMAR)
A.R. -cum-P.S.

(POOJA SHARMA)
Court Master