

VERDICTUM.IN

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.3426 OF 2024
(Arising out of SLP(CrI.) No.5719/2024)

VIBHUTI KUMAR SINGH

APPELLANT

VERSUS

PRITESH KUMAR & ANR.

RESPONDENTS

O R D E R

1. Leave granted.
2. The appellant is the complainant in FIR No.252/2023, registered at Police Station Tariyani, District Sheohar, Bihar, under Sections 302 and 120B of the Indian Penal Code, 1860. As per the allegations, the appellant's cousin Chandan Kumar Singh was married to Nisha Kumari, who was allegedly in an extra-marital relationship with respondent No.1 (Pritesh Kumar). It is also alleged that when the extra-marital relationship came to the knowledge of Chandan Kumar Singh, Nisha Kumari and respondent No.1 hatched a conspiracy to eliminate him. For the execution of the alleged conspiracy, they hid in the bedroom and attacked Chandan Kumar Singh with a sharp-edged weapon, namely, with a knife to the stomach, chest and neck thereby causing multiple deep wounds. Resultantly, Chandan Kumar Singh died at the spot. Respondent No.1 was allegedly seen running from the room in a half-naked condition. The

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occurrence took place on 27.10.2023. Thereafter, respondent No.1 absconded and was only apprehended and arrested on 04.12.2023. Within three months of his arrest, the High Court released him on bail vide the impugned order dated 14.03.2024. That order is under challenge in this appeal. The only reason assigned by the High Court in the impugned order is "period of custody" and "facts and circumstances of the case".

3. Having heard learned senior counsel/counsel for the parties, it seems to us that High Court ought to have waited for the deposition of some of the vulnerable witnesses, including those who claim to having seen respondent No.1 at the place of occurrence and/or were aware of the alleged extra-marital relationship. While we do not comment on the alleged confession made by the co-accused Nisha Kumari, there are a few crucial witnesses whose depositions could throw light on the culpability of the accused persons. Since the grant of bail by the High Court is highly premature, the impugned order is accordingly set aside. The respondent No.1 is directed to surrender within two weeks.

4. Learned State counsel undertakes to produce the private witnesses Nos.1 to 5 on the next two consecutive dates to be fixed by the Trial Court. In view of this, the Trial Court is directed to list the trial and record their statements within four months.

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5. After their depositions, respondent No.1 shall be at liberty to apply for bail afresh. Such an application shall be considered as per its own merits, without being influenced by the observations made hereinabove.

6. The appeal stands allowed in the above terms.

.....J.
(SURYA KANT)

.....J.
(UJJAL BHUYAN)

New Delhi;
August 20, 2024

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ITEM NO.21

COURT NO.4

SECTION II-A

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).5719/2024

(Arising out of impugned final judgment and order dated 14-03-2024 in CRLM No.18230/2024 passed by the High Court of Judicature At Patna)

VIBHUTI KUMAR SINGH

Petitioner(s)

VERSUS

PRITESH KUMAR & ANR.

Respondent(s)

(IA No. 87139/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 87140/2024 - EXEMPTION FROM FILING O.T.)

WITH

Diary No(s). 24629/2024 (II-A)

(IA No.165539/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.165540/2024-EXEMPTION FROM FILING O.T. and IA No.165542/2024-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.165546/2024-CONDONATION OF DELAY IN REFILEING/CURING THE DEFECTS)

Date : 20-08-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Ratnakar Dash, Sr. Adv.
Mr. Shashank Shekhar Singh, AOR
Mr. Abhinav Singh, Adv.

For Respondent(s) Ms. Vanya Gupta, AOR
Mr. Vipin Kumar Bharti, Adv.
Mr. Abhinav Chauhan, Adv.
Mr. Gaurav Choudhary, Adv.
Mr. Akash Chaudhary, Adv.
Ms. Madhu Yadav, Adv.
Mr. Zakir Rehman, Adv.

Mr. Anshul Narayan, Adv.
Mr. Prem Prakash, AOR

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

SLP (Crl.) No.5719/2024

1. Leave granted.
2. The appeal is allowed in terms of the signed order.

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3. All pending applications, if any, also stand disposed of.

Diary No(s).24629/2024

4. Permission to file special leave petition is granted.

5. Delay condoned.

6. No case to interfere with the impugned order dated 04.04.2024 is made out. The special leave petition is, accordingly, dismissed.

7. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)

ASTT. REGISTRAR-cum-PS

(signed order is placed on the file)

(PREETHI T.C.)

ASSISTANT REGISTRAR