

Court No. - 33

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 29557 of 2024

Applicant :- Rohit Alias Khali

Opposite Party :- State of U.P.

Counsel for Applicant :- Vinay Kumar Singh Chandel

Counsel for Opposite Party :- G.A.,Jeetendra Kesharwani,Siddharth Niranjana

Hon'ble Vikram D. Chauhan,J.

The present matter is a bail application.

This Court is having roster of civil matters assigned by Hon'ble Chief Justice.

The Supreme Court in the case of **Shekhar Prasad Mahto @ Shekhar Kushwaha, Writ Petition (Criminal) No.55 of 2025** by order dated 7.2.2025 has observed as under:-

"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 Judge Bench of this Court in SLP (Crl.) No. two- 15585 of 2023 titled as "Rajpal Vs. State of Rajasthan".

6. What this Court meant dated order the in passing 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 some grant bail whereas 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 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."

In view of the aforesaid order passed by Supreme Court **Shekhar Prasad Mahto @ Shekhar Kushwaha (supra)**, the matter stands released and shall not be treated as tied up or part heard to this Bench.

Let the matter be placed before appropriate Bench after seeking directions from Hon'ble Chief Justice.

Order Date :- 19.2.2025

Bhaskar