

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).1070/2005

(From the judgement and order dated 04/02/2005 in BA No. 5155/2004 of The  
HIGH COURT OF JHARKHAND AT RANCHI)

BILASH GUPTA @ RAM BILASH GUPTA

Petitioner(s)

VERSUS

STATE OF JHARKHAND AND ANR.

Respondent(s)

(With appln(s) for stay and office report )

Date: 25/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

HON'BLE MR. JUSTICE A.K. MATHUR

For Petitioner(s)

Mr. Uday Umesh Lalit, Sr.Adv.

Mr. Gaurav Agrawal, Adv.

Mr.Saurav Agrawal, Adv.

Mr. Prashant Kumar,Adv.

For Respondent(s)

Mr. Arup Banerjee, Adv.

Mr. Braj Kishore Mishra,Adv.

Ms.Aparna Jha, Adv.

Mr. Gopal Prasad, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

Appeal is disposed of in terms of the signed order.

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 621/2005

(Arising out of SLP(Crl.) No.1070/2005)

Bilash Gupta @ Ram Bilash Gupta ... Appellant

VERSUS

State of Jharkhand & Anr. ... Respondents

O R D E R

Leave granted.

The anticipatory bail granted to the appellant herein was cancelled by the High Court by the impugned order on the ground that the appellant has been threatening the informant and other witnesses and, therefore, the privilege of bail has been misused. This observation of the High Court is based on the report of the Superintendent of Police, Sahebganj (filed as Annexure P-9 to the special leave petition) which in turn refers to the inquiry report of the

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Police Officer, incharge of Mirzapur Police Station. We have gone through the reports. As both the reports are not clear enough to indicate

that the threats were received against the witnesses, we are of the view that this is a fit case in which the High Court should re-examine the matter in the light of the reports on record and any further report that may be called for by the High Court. The order of the High Court is, therefore, set aside without expressing any view on the merits of the case. The matter is remitted to the High Court to be disposed of as expeditiously as possible. Appeal is disposed of accordingly.

.....J.

( P.VENKATARAMA REDDI )

....J.

( A.K. MATHUR )

New Delhi,

April 25, 2005.