

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.1018 OF 2009  
[Arising out of SLP(Crl.) No.2815 of 2009]

SHIVENDRA SAHAY ... Appellant(s)

Versus

STATE OF BIHAR ... Respondent(s)

WITH

CRIMINAL APPEAL No.1019 OF 2009  
[Arising out of SLP(Crl.) No.2816 of 2009]

ORDER

Leave granted.

Despite service of notice on the Central Bureau of Investigation (C.B.I.) representing the State of Bihar, no one appears to oppose the appellant's prayer for grant of bail in connection with FIR No.RCPAT 2004/0029 dated 6th October, 2004.

Learned counsel for the appellant submits that out of the 13 accused in the case, 12 have already been granted bail and that he has been refused bail by the impugned order. Having seen the impugned order and having considered the submissions made and having further regard to the fact that out of 13 accused, 12 have already been released on bail, we allow the appeal and set aside the order passed by the learned High Court and direct that the the appellant be released on bail to the satisfaction of the learned trial court.

The appeal is allowed.

CRIMINAL APPEAL No.1019 OF 2009

Leave granted.

Despite service of notice on the Central Bureau of Investigation (C.B.I.) representing the State of Bihar, no one appears to oppose the appellant's prayer for grant of bail in connection with FIR No.RCPAT 2004/0030 dated 6th October, 2004.

Learned counsel for the appellant submits that out of the 14 accused in the case, 12 have already been granted bail and that he has been refused bail by the impugned order. Having seen the impugned order and having considered the submissions made and

having further regard to the fact that out of 14 accused, 12 have already been released on bail, we allow the appeal and set aside the order passed by the learned High Court and direct that the appellant be released on bail to the satisfaction of the learned trial court.

The appeal is allowed.

.....J.  
(ALTAMAS KABIR)

.....J.  
(CYRIAC JOSEPH)

New Delhi,  
May 13, 2009.  
ITEM NO.3

COURT NO.6

SECTION IIA

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1) No(s).2815/2009  
(From the judgement and order dated 08/12/2008 in CRLM No.35763/2008  
of The HIGH COURT OF PATNA)

SHIVENDRA SAHAY

Petitioner(s)

VERSUS

STATE OF BIHAR Respondent(s)  
(With appln(s) for AD-INTERIM EX-PARTE BAIL and office report ))  
WITH SLP(Cr1) NO. 2816 of 2009  
(With appln(s) for AD-INTERIM EX-PARTE BAIL and office report )

Date: 13/05/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s)

Mr. Amit Pawan, Adv.  
Mr. Mukesh Kr. Dubey, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

The appeals are allowed in terms of the signed order.

(Sheetal Dhingra)

(Juginder Kaur)

Court Master

Court Master

[Signed order is placed on the file]