

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. _____ OF 2024
(arising out of SLP(Crl.) No. 9375 of 2024)**

SURESH PRASAD **APPELLANT(S)**

VERSUS

STATE OF BIHAR & ANR. **RESPONDENT(S)**

O R D E R

Leave granted.

We have examined the allegations against respondent No. 2, Vishal Kumar @ Ajay Ray. It is submitted that this is a case of contract killing. The prosecution, in order to show the conspiracy, relies upon the CCTV footage, in which the car belonging to respondent No. 2, Vishal Kumar @ Ajay Ray, is visible at the time when the offence was about to be committed. In addition, the prosecution also relies upon the Call Data Records, which would show the connection between the contract killers and respondent No. 2, Vishal Kumar @ Ajay Ray. Lastly, it is submitted that Section 8 of the Indian Evidence Act, 1872, would be attracted in view of the disclosure statement read with the material placed on record. That apart, the prosecution has also relied upon the motive, in the form of political rivalry.

Respondent No. 2, Vishal Kumar @ Ajay Ray, it is obvious is facing trial under Sections 302, 307, 326, and 120B of the Indian

Penal Code, 1860, and Section 27 of the Arms Act, 1959.

Keeping in view the allegations as well as the other facts in mind, we do not think that the High Court was right in releasing Vishal Kumar @ Ajay Ray on bail during the pendency of the trial. Accordingly, the impugned judgment is set aside and the appeal is allowed, cancelling the bail granted to respondent No. 2, Vishal Kumar @ Ajay Ray. He will surrender within two weeks from today, failing which it will be open to the police and the Court to take steps to detain and arrest him.

Respondent No. 2, Vishal Kumar @ Ajay Ray, will be entitled to file a fresh application for grant of bail in case of a change in circumstances or if the trial gets prolonged due to reasons not attributable to respondent No. 2, Vishal Kumar @ Ajay Ray, or the co-accused.

We clarify that this order will not be treated as an expression of opinion on the merits of the case.

Pending application(s), if any, shall stand disposed of.

.....CJI.
(SANJIV KHANNA)

.....J.
(SANJAY KUMAR)

NEW DELHI;
DECEMBER 16, 2024.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSPetition for Special Leave to Appeal (Crl.) No. 5458/2024

[Arising out of impugned final judgment and order dated 06-03-2024 in CRM No. 16808/2024 passed by the High Court of Judicature at Patna]

SURESH PRASAD

Petitioner(s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s)

(IA No. 73565/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 73569/2024 - EXEMPTION FROM FILING O.T.)

WITH

SLP(Crl) No. 4596/2024 (II-A)

(IA No. 78325/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 78324/2024 - EXEMPTION FROM FILING O.T.)

SLP(Crl) Nos. 8021-8022/2024 (II-A)

(IA No. 121162/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 121164/2024 - EXEMPTION FROM FILING O.T. and IA No. 129842/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(Crl) No. 9375/2024 (II-A)

(IA No. 140501/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 140502/2024 - EXEMPTION FROM FILING O.T. IA No. 140504/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 16-12-2024 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. Arunabh Chowdhary, Sr. Adv.
Mr. Rajesh Ranjan, Adv.
Mr. Awanish Kumar, Adv.
Mr. S.K. Pandey, Adv.
Mr. Chandrashekhar A. Chakalabbi, Adv.
Mr. Anshul Rai, Adv.
Mr. Sanket Shankarappa Ambali, Adv.
M/s. Dharmaprabhas Law Associates, AOR

For Respondent(s)
Mr. Samir Ali Khan, AOR
Mr. Abhishek, AOR

Mr. Vipin Sanghi, Sr. Adv.
Mr. K. Parmeshwar, Sr. Adv.
Mr. Rohit Kumar Singh, AOR
Mr. Pranav Diesh, Adv.
Mr. Shivam Sharma, Adv.
Mr. Akash Kumar, Adv.

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

SLP(Crl.) Nos. 5458/2024

We are not inclined to interfere with the impugned judgment and, hence, the special leave petition is dismissed.

Pending application(s), if any, shall stand disposed of.

SLP(Crl) No. 4596/2024 and 8021-8022/2024

These special leave petitions have become infructuous, as the accused/respondent(s) herein have surrendered. Accordingly, the same are dismissed as infructuous.

SLP(Crl.) No. 9375 of 2024

Leave granted.

In terms of the signed order, the impugned judgment is set aside and the appeal is allowed, cancelling the bail granted to respondent No. 2, Vishal Kumar @ Ajay Ray. He will surrender within two weeks from today, failing which it will be open to the police and the Court to take steps to detain and arrest him.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)
AR-CUM-PS

(signed order in Crl.A. @ SLP(Crl.) No. 9375/2024 is placed on the file)

(R.S. NARAYANAN)
ASSISTANT REGISTRAR