

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Peti ti o n (s) for Speci al Leav e to Appe al (Crl) No(s) . 4 8 2 7 / 2 0 0 9

(F r o m the judge m e n t and order dated 15/0 5/2 0 0 9 in CRLM No. 63 6 6/ 2 0 0 8
of The HIGH COU R T OF PA T N A)

RAM DUL A R CHOUDH A R Y

Petitio n e r (s)

VER S U S

ST A T E OF BIH A R

Respo n d e n t (s)

(Wit h appl n (s) for stay of arre s t and exem p t i o n fro m filing O.T.)

Date: 30/0 7/2 0 0 9 Thi s Peti ti o n w a s called on for heari n g toda y.

COR AM :

HON'BL E MR. J U S T I C E MAR K A N D E Y K A T J U

HON'BL E MR. J U S T I C E V. S. SIR P U R K A R

For Peti ti o n e r (s)

Mr. Sa m i r Ali Kha n, A d v .

For Respo n d e n t (s)

UPO N heari n g counsel the Cour t made the follo w i n g
O R D E R

Heard learn ed coun sel for the petitio n e r.

We see no reaso n to gran t anticip a t o r y ba

il to the

petitio n e r. Acco rdi n g l y , t he special leave petitio n is dismi s s e d .

Ho we ve r , if the petitio n e r applie s for regul a r bail before

the

Cou r t concer n e d, he may also file an applic a t i o n for inte ri m bail. We
have repea t e d l y held that that the po w e r to gran t re

gul a r bail

inclu de s the po w e r to gran t inter i m bail pendi ng final dispos a l of the
regula r bail applic a t i o n. Thi s po w e r is inhe re n t in the po w e

r to

gran t bail par t ic u l a r l y in vie w of Ar t icle 21 of the Const i t u t i o

n of

India. Hence, if the prese n t petitio n e r applie s for regul a r bail before
the Cour t concer n e d, he ma y also file an applic a t i o n for inter i m bail,
w h ic h applic a t i o n shall be decided on the same day on w h ic h it is
filed, pendi ng final dispo s a l of the regul a r bail applic a t i o n .

(Aj a y Kr. J ai n) (Ind u Satija)

Cou r t Maste r

Cou r t Maste r