

ITEM NO.5

Court No.2

SECTION IIA

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).6111/2010

(From the judgement and order dated 30/06/2010 in
of The HIGH COURT OF PATNA)

CRLM No. 17890/2010

RAJKISHORE SINHA

Petitioner(s)

VERSUS

STATE OF BIHAR

Respondent(s)

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

Date: 27/08/2010

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s)

Mr. Amit Pawan,Adv.

For Respondent(s)

Mr. Gopal Singh,Adv.
Mr. Manish Kumar,Adv.

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

Leave granted.
The appeal is allowed in terms of the signed
order.

(Ganga Thakur)
PS to Registrar

(Juginder Kaur)
Court Master

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1621 OF 2010
(Arising out of SLP(Crl.) No.6111/10)

RAJKISHORE SINHA

Petitioner(s)

VERSUS

STATE OF BIHAR

Respondent(s)

O R D E R

Leave granted.

This appeal is directed against the judgment and

order dated 30th June, 2010, passed by the Patna High Court, rejecting the appellant's prayer for grant of bail.

It appears that earlier the appellant had prayed for bail both before the High Court and also before this Court, but such prayers were rejected. Since then there has been a change in the circumstances. Although the appellant has been in custody as under trial for about sixteen months and the chargesheet was also filed some time ago on 24.6.2009, charges are yet to be framed and the trial is yet to begin. Considering the facts involved, the appellant's prayer for bail had been rejected earlier, but at the same time the accused cannot be kept in custody indefinitely as an under trial, when chargesheet was filed more than a year ago.

In such circumstances, we are inclined to allow the appellant's prayer for bail. The appeal is

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allowed. Let the appellant be released on bail to the satisfaction of the Special Judge, Vigilance (Trap Cases), Patna, Bihar, in Special Case No. 34/2009. The learned Judge will be at liberty to impose such conditions as he may consider necessary to ensure the presence of the appellant at the time of trial.

.....J.
(ALTAMAS KABIR)

.....J.
(A.K. PATNAIK)

New Delhi,
August 27, 2010.