

\ITEM NO.59

Court No.4

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).8751/2008

(From the judgement and order dated 01/10/2008 in CRLM No. 34094/2008
of The HIGH COURT OF PATNA)

KHURSHID ALAM

Petitioner(s)

VERSUS

STATE OF BIHAR

Respondent(s)

(With appln(s) for exemption from filing O.T.,bail and office report))

Date: 03/11/2009 This Petition was called on for hearing today.

CORAM :

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

For Petitioner(s)

Mr. Prashant Chaudhary,Adv.

For Respondent(s)

Mr. Gopal Singh,Adv.
Mr. Chandan 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

(O.P. Garg)
Court Master

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

CRIMINAL APPEAL NO. 2018 OF 2009
(Arising out of SLP(Crl.) No.8751/08)

KHURSHID ALAM

...APPELLANT(S)

Versus

STATE OF BIHAR

.RESPONDENT (S)

O R D E R

Leave granted.

This appeal has been filed against the order dated 1st October, 2008, passed by the Patna High Court in Criminal Misc. No.34094/08, rejecting the appellant's prayer for grant of bail. From the impugned order it appears that such prayer was rejected on the basis of a confession said to have been made by the appellant and also recovery of the tractor. It has also been mentioned in the order that later on the dead body of the driver of the tractor was found.

We have gone through the confessional statement which has been included in the paper book as Annexure P-3 and prima facie there does not seem to be any impediment in granting bail.

We accordingly allow the appeal and set aside the order of the High Court and direct that the appellant be released on bail to the satisfaction of the Trial Court. Any observation made in this order is only for the purpose of disposing of the bail application and should not influence the trial in any way.

.....J.
(ALTAMAS KABIR)

.....J.
(CYRIAC JOSEPH)

New Delhi,
November 3rd ,2009.