

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

CRIMINAL APPEAL NO. 797 OF 2026

**@ SPECIAL LEAVE PETITION (CRIMINAL)
NO.14060 OF 2025**

JITENDRA KUMAR SINGH

Appellant(s)

VERSUS

THE STATE OF BIHAR & ANR.

- 1. THE STATE OF BIHAR**
- 2. AJAY KUMAR JHA**

Respondent(s)

O R D E R

Heard learned counsel for the parties.

- 2. Leave granted.**
- 3. The appellant is aggrieved by the grant of anticipatory bail to the respondent No.2 in Criminal Misc. No. 38397 of 2024 vide order**

date 05.10.2024 passed by the High Court of Judicature at Patna.

4. At the outset, learned counsel for the appellant submits that he was the complainant of the said case and initially, when the High Court took up the matter on 25.09.2024 to consider the prayer for anticipatory bail, the same was disallowed, giving cogent reasons and discussing the merits of the matter. Thereafter, it was submitted that surprisingly, on 05.10.2024, the same case was taken up again and the anticipatory bail was allowed on the ground that while uploading, wrongly an incorrect order was uploaded on 25.09.2024. It was contended that there cannot be any wrong uploading for the reason that the first order of dismissal has given reasons for rejection of the prayer for anticipatory bail. Moreover, on

merits also it was submitted that the respondent No.2 has executed sale deeds in favour of many persons, but with regard to the appellant, neither his money was returned nor any land was transferred to him.

5. *Per contra*, learned counsel for the respondent No.2 submitted that it was a mere inadvertent mistake on the part of the person who was uploading the order and the same has been corrected by the Court, which cannot be faulted. It was further contended that the Court was convinced that no criminality was borne out from the plain reading of the FIR itself and, thus, rightly the Court had granted anticipatory bail to the respondent No.2.

6. While summing up his arguments, learned counsel for the respondent No.2 submitted that this Court may remit the matter back to the High

Court for *de novo* consideration.

7. Learned counsel for the State has also supported the contention of learned counsel for the appellant.

8. Having considered the matter in its entirety, we are unable to uphold the order impugned. The contention of the learned counsel for the appellant is correct that the order impugned dated 05.10.2024 cannot be said to be a mere correction of the order dated 25.09.2024. It was submitted that once in criminal matters an order has been passed, the Court has no jurisdiction to review the order except for correcting clerical errors. In the present case, the order dated 25.09.2024 clearly indicates that reasons have been given and there has been application of mind where details of the case is given. Thus, the order

dated 05.10.2024 without discussing the merits why anticipatory bail should be granted, has simply granted the anticipatory bail. Thus, we find that there is no consideration on the merits as no reasons have been disclosed why the Court deemed it appropriate to grant anticipatory bail to the respondent No.2 in the facts and circumstances of the case at hand.

9. For the reasons aforesaid, the appeal succeeds. The order impugned is set aside, the anticipatory bail granted to the respondent No.2 is cancelled.

10. Before parting, we would clarify that we have not gone into the merits or the legality of the issue, whether the police can investigate into an allegation under Section 138 of the Negotiable Instruments Act, 1881.

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

.....J.
(AHSANUDDIN AMANULLAH)

.....J.
(R. MAHADEVAN)

NEW DELHI
FEBRUARY 10, 2026.

ITEM NO.3 COURT NO.12 SECTION II-A

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

RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) NO. 14060/2025

[Arising out of impugned final judgment and order dated 05-10-2024 in CRM No. 38397/2024 passed by the High Court of Judicature at Patna]

JITENDRA KUMAR SINGH Petitioner(s)

VERSUS

THE STATE OF BIHAR & ANR. Respondent(s)

IA No. 70722/2025 - EXEMPTION FROM FILING O.T.

Date : 10-02-2026 This matter was called for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

For Appellant(s) : Mr. Nischal Kumar Neeraj, AOR

For Respondent(s) : Mr. Samir Ali Khan, AOR
Mr. Pranjal Sharma, Adv.

Mr. Ashutosh Dubey, AOR
Mr. Santosh Chaurihaa, Adv.
Mr. Ashutosh Dubey, Adv.
Ms. Poornima, Adv.
Mrs. Rajshri Dubey, Adv.
Mr. Abhishek Chauhan, Adv.
Mr. Amit Shahi, Adv.
Mr. Rishabh Bhardwaj, Adv.

Mr. Rahul Sethi, Adv.
Mrs. Rekha Chaudhary, Adv.

O R D E R

Leave granted.

2. The Appeal succeeds in terms of the signed order placed on the file.

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

(SACHIN KUMAR SRIVASTAVA)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR