

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



CRIMINAL APPEAL NO. _____ OF 2026
(Arising out of Special Leave Petition (Crl.) No. 178/2026)

LALU THAKUR @ LALU KUMAR

APPELLANT(S)

VERSUS

STATE OF BIHAR

RESPONDENT(S)

ORDER

Heard.

2. Leave granted.

3. The appellant apprehending his arrest in a charge-sheet which has been filed pursuant to the registration of the First Information Report No.375/2022 for the offences punishable under Sections 147, 148, 149, 120(B), 34, 302 of the Indian Penal Code, 1860 (“the IPC”) read with Section 27 of the Arms Act, is seeking anticipatory bail.

4. The complainant Mr. Prashant Singh in the F.I.R. lodged alleged that accused Nos.1-6, under a conspiracy, have shot his younger brother Nishant Singh for the sake of non-payment of outstanding amount. It is alleged in the F.I.R. that accused Nos.9 and 10 and others are also involved in the said incident. However, there was no specific role or motive attributed to the petitioner (accused No.9) in the F.I.R. During

the course of investigation, the Investigating Officer (“for short, the I.O.”) found no incriminating material against the petitioner and as such, did not charge-sheet him, while other accused were charge-sheeted. Despite the same, the learned Magistrate disagreed with the police report and took cognizance under Section 190 of the Code of Criminal Procedure, 1973 (for short, “CrPC”), issuing summons to appellant which later on has culminated in a proceeding initiated under Section 82, CrPC. Apprehending his arrest, the appellant approached the jurisdictional Sessions Court for grant of anticipatory bail which was turned down and he was unsuccessful before the High Court. Hence, this appeal.

5. Having heard the learned counsels appearing for the parties, we notice from the allegations made in the complaint/F.I.R. lodged by the complainant, there is an omnibus statement made viz., that accused No.9 (appellant), accused No.10 (Anil Thakur) and others are also involved in the incident. It is for this reason, the I.O. seems to have investigated from the said angle and found that there was no incriminating material against the present appellant for being proceeded with and as such, he was not charge-sheeted. However, the learned Magistrate seems to have a different view and as such, has not accepted the closure report against the present appellant and proceeded to take cognizance of the offence against the appellant also.

6. As to the correctness or otherwise of the cognizance being taken against the appellant, we do not propose to delve upon the same as it is likely to prejudice the rights of the parties including the case of the prosecution. In fact, the Sessions Court

vide paragraph No.46 seems to have erroneously proceeded to hold that the charge-sheet had been filed against the appellant whereas the I.O. expressly recorded that no evidence was found against the appellant for being charge-sheeted.

7. In the light of aforestated circumstances, we are of the considered view that appellant is entitled for the relief sought for namely grant of anticipatory bail. Hence, we allow the appeal, set aside the impugned order and the direct that appellant be released on anticipatory bail on such terms and conditions as the I.O. deem fit, including the condition of directing the appellant to appear before the Trial Court on all dates of hearing, except expressly when exempted.

8. We also make it clear that the views expressed hereinabove is for the purposes of considering the prayer for grant of anticipatory bail and none of the observations made hereinabove would influence the trial.

.....,J.
(ARAVIND KUMAR)

.....,J.
(PRASANNA B. VARALE)

NEW DELHI;
FEBRUARY 04, 2026.

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

Petition(s) for Special Leave to Appeal (Crl.) No.178/2026

[Arising out of impugned final judgment and order dated 18-11-2025 in CRLM No.44706/2025 passed by the High Court of Judicature at Patna]

LALU THAKUR @ LALU KUMAR

Petitioner(s)

VERSUS

STATE OF BIHAR

Respondent(s)

IA No. 9296/2026 - EXEMPTION FROM FILING O.T.

IA No. 3374/2026 - EXEMPTION FROM FILING O.T.

IA No. 9292/2026 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 04-02-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) : Mr. Smarhar Singh, AOR

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

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

1. Leave granted.
2. The appeal is allowed in terms of the Signed Order placed on the file.
3. The pending application(s), if any, shall stand disposed of.

(VIJAY KUMAR)
ASTT. REGISTRAR-cum-PS(AVGV RAMU)
COURT MASTER (NSH)