

SUPREME COURT OF INDIA

Shivendra Sahay

Vs.

State of Bihar

CrI.A.No.1018 of 2009

(Altamas Kabir and Cyriac Joseph JJ.)

13.05.2009

ORDER

1. Leave granted.

2. Despite service of notice on the Central Bureau of Investigation (C.B.I.) representing the State of Bihar, no one appears to oppose the appellant's prayer for grant of bail in connection with FIR No.RCPAT 2004/0029 dated 6th October, 2004.

3. Learned counsel for the appellant submits that out of the 13 accused in the case, 12 have already been granted bail and that he has been refused bail by the impugned order. Having seen the impugned order and having considered the submissions made and having further regard to the fact that out of 13 accused, 12 have already been released on bail, we allow the appeal and set aside the order passed by the learned High Court and direct that the the appellant be released on bail to the satisfaction of the learned trial court.

4. The appeal is allowed.

5. CRIMINAL APPEAL No.1019 OF 2009 Leave granted.

6. Despite service of notice on the Central Bureau of Investigation (C.B.I.) representing the State of Bihar, no one appears to oppose the appellant's prayer for grant of bail in connection with FIR No.RCPAT 2004/0030 dated 6th October, 2004.

7. Learned counsel for the appellant submits that out of the 14 accused in the case, 12 have already been granted bail and that he has been refused bail by the impugned order. Having seen the impugned order and having considered the submissions made and having further regard to the fact that out of 14 accused, 12 have already been released on bail, we allow the appeal and set aside the order passed by the learned High Court and direct that the appellant be released on bail to the satisfaction of the learned trial court.

8. The appeal is allowed.