## IN THE SUPREME COURT OF INDIA CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.189 OF 2019 (Arising out of SLP(Crl.)No.11175/2018)

RAMESHWAR YADAV @ UMESH SINGH ... APPELLANT(S)

VS.

STATE OF BIHAR ... RESPONDENT(S)

## ORDER

- 1. Leave granted.
- 2. First Information Report No.295/2018 dated 16.07.2018 had been lodged against the appellant at Police Station Dumrao, Buxar, under Sections 25(1b)(a) and 26 of the Arms Act, 1959. On an application for bail being moved, the High Court directed that the appellant be released on bail "after completion of nine months of custody" on furnishing a bail bond of Rs.20,000/-(Twenty Thousand) with two sureties each in the like amount to the satisfaction of the trial court where the case was pending.
- 3. The appellant is in custody since 16th July, 2018. We are of the view that the learned Single Judge of the High Court has furnished no reason whatsoever for issuing a direction for deferment of bail by a period of nine months.

Such a direction was unsustainable.

- 4. In pursuance of the notice being issued by this Court on 7th January, 2019, learned Standing Counsel for the State of Bihar has appeared in these proceedings. He has submitted that the appellant may be directed to remain in custody for a period of nine months having regard to the sentence of possible imprisonment.
- 5. We find no merit in the submissions.
- 6. In the circumstances, we order and direct that the appellant be released on bail on the terms and conditions, as determined by the High Court in its impugned order dated 20th September, 2018, except for the direction that the release shall be after completion of nine months of custody, which is set aside.
- 4. The appeal is accordingly disposed of. Pending application, if any, shall stand disposed of.

	[Dr. DHANANJAYA Y. CHANDRACHUD]
New Delhi;	J.
28th January, 2018.	[HEMANT GUPTA]

ITEM NO.45 COURT NO.12 SECTION II-A

## SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).11175/2018

(Arising out of impugned final judgment and order dated 20-09-2018 in CRM No.57178/2018 passed by the High Court Of Judicature At Patna)

RAMESHWAR YADAV @ UMESH SINGH YADAV

Petitioner(s)

**VERSUS** 

STATE OF BIHAR Respondent(s) (With appln. for exemption from filing 0.T.)

Date: 28-01-2019 These matters were called on for hearing today.

CORAM:

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Ardhendumauli Kumar Prasad, Adv.

Ms. Taruna Ardhendumauli Prasad, AOR

Mr. Namit Saxena, Adv. Mr. Piyush Singh, Adv. Mr. Amritesh Raj, Adv.

Mr. Vaibhav Shrivastava, Adv.

For Respondent(s) Ms. Shubhangi Rathore, Adv.

Mr. D.S. Parmar, Adv.

for Ms. Abha R. Sharma, AOR

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

Leave granted.

The appeal is disposed of in terms of the signed order.

The appellant is directed to be released on bail on the terms and conditions, as determined by the High Court in its impugned order dated 20th September, 2018, except for the direction that the release shall be after completion of nine months of custody, which is set aside.

(Saroj Kumari Gaur) Branch Officer (Sarita Purohit)
AR-cum-PS

(Signed order is placed on the file)