

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.3038-3039 OF 2023  
(Arising out of S.L.P.(CrI.) Nos. 4941-4942 of 2023)

BALIRAM YADAV @ BALIRAM KUMAR NIRALA ... APPELLANT(S)

VS.

THE STATE OF BIHAR & ORS. ... RESPONDENT(S)

O R D E R

Leave granted.

Heard the learned counsel appearing for the parties.

The High Court granted anticipatory bail to the appellant. While granting anticipatory bail, the High Court has imposed the following condition:

"... the learned trial court before accepting the bail bonds of the petitioner no.1 shall verify whether Dhiraj Kumar suffered any injury or not. In the event, if Dhiraj Kumar suffered any kind of injury, even simple in nature, then the present anticipatory bail order shall not be acted upon with respect to petitioner no.1 only."

Obviously, after coming to the conclusion that the appellant was entitled to pre-arrest bail, such a condition could not have been imposed as it cannot be termed as a condition of bail.

Accordingly, the aforesaid condition is set aside and the bail bonds shall be accepted in terms of the impugned order as modified above.

The appeals are accordingly allowed.

.....J.  
(ABHAY S.OKA)

.....J.  
(PANKAJ MITHAL)

NEW DELHI;  
September 27, 2023.

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 (Cr1.) No(s).4941-4942/2023

(Arising out of impugned final judgment and orders dated 07-11-2022 and dated 18-01-2023 in CRLMN No. 24505/2022 and CRLM No.4101/2023 in CRLMN No.24505/2022 passed by the High Court of Judicature at Patna)

BALIRAM YADAV @ BALIRAM KUMAR NIRALA

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ORS.

Respondent(s)

(IA No. 73150/2023 - EXEMPTION FROM FILING O.T.)

Date : 27-09-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s)

Mr. Amit Pawan, 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

Leave granted.

The appeals are allowed in terms of terms of the signed order.

Pending application also stands disposed of.

(ANITA MALHOTRA)  
AR-CUM-PS

(AVGV RAMU)  
COURT MASTER

(Signed order is placed on the file.)