



2026 INSC 1139

NON-REPORTABLE

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

**CRIMINAL APPEAL NO. _____ OF 2026
[ARISING OUT OF SLP (CRL.) NO. 2171 OF 2025]**

NAGENDRA RAY **...APPELLANT**
vs.

STATE OF BIHAR & ANR. **...RESPONDENTS**

WITH

**CRIMINAL APPEAL NO. _____ OF 2026
[ARISING OUT OF SLP (CRL.) NO. 4385 OF 2025]**

NAGENDRA RAY **...APPELLANT**
vs.

STATE OF BIHAR & ANR. **...RESPONDENTS**

WITH

**CRIMINAL APPEAL NO. _____ OF 2026
[ARISING OUT OF SLP (CRL.) NO. 6026 OF 2025]**

NAGENDRA RAY **...APPELLANT**
vs.

STATE OF BIHAR & ANR. **...RESPONDENTS**

ORDER

DIPANKAR DATTA, J.

1. Leave granted.
2. These appeals are at the instance of the father¹ of the deceased, Chandan Ram. Appellant challenges the grant, by the Patna High

Signature Not Verified
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MANIK KUMAR
Date: 2026.10.16
17:23:53 IST
Reason: []

¹ appellant

Court², of (i) anticipatory bail to an accused, Kamakhya Singh @ Deepu Singh, *vide* its order dated 23rd October, 2024 in CRM No. 66294/2024; (ii) regular bail to an accused, Ram Pratap Singh @ Ravi Kant Singh *vide* its order dated 20th December, 2024 in CRM No. 68542 of 2024 and (iii) regular bail to an accused, Ramakant Solanki @ Ramakant Singh *vide* its order dated 10th January, 2025 in CRM No.76397 of 2024. All such orders granting bail shall hereafter be referred to as the impugned orders.

3. The prosecution alleges that on 20th May, 2024, during the Lok Sabha elections, some persons misbehaved, abused and attempted to attack supporters of an RJD candidate without any provocation, pursuant to which an FIR was registered. Out of resentment, on 21st May, 2024, at approximately 7:00 AM, a large group of around 40-50 individuals (including accused Kamakhya Singh, Ram Pratap Singh and Ramakant Solanki) armed with deadly weapons surrounded the appellant's son and others at Bhikhari Chowk. Ramakant Solanki shot the appellant's son in the chest and Ram Pratap Singh shot Manoj Ram in the head. Deepak Kumar and Guddu Kumar, who were two others in the appellant's son's group, were also shot at by other assailants. Hearing the gunshots and the screams, the appellant along with others rushed to the spot while the accused fled the scene, firing indiscriminately as they escaped. Appellant's son was declared dead at the hospital, with the others required medical attention.

² High Court

4. Pursuant thereto, FIR No.346/2024 dated 21st May, 2024 was registered at Town Police Station, Chhapra Nagar, District Saran under Sections 147, 148, 149, 307, 302, 34 and 120B of the Indian Penal Code, 1860³ and Section 27 of the Arms Act,1959⁴ against Kamakhya Singh, Ram Pratap Singh and Ramakant Solanki along with other co-accused. Chargesheet⁵ was filed under Sections 147, 148, 149, 323, 307, 302 and 120B of the IPC, and Sections 25(1-B)(a), 26, 27 and 35 of the Arms Act against Kamakhya Singh, Ram Pratap Singh, Ramakant Solanki and other co-accused. A supplementary chargesheet⁶ against other co-accused persons has also been filed, and the trial against the accused herein is presently pending.
5. We have heard the learned counsel for the respective parties and have perused the impugned orders and the records before us.
6. At the outset, we note that Kamakhya Singh had initially approached the sessions court praying for anticipatory bail, while Ram Pratap Singh and Ramakant Solanki separately approached the sessions court praying for regular bail. *Vide* order dated 7th August, 2024, the sessions court denied anticipatory bail to Kamakhya Singh, and *vide* orders dated 7th August 2024 and 23rd September 2024, the sessions court denied regular bail to Ram Pratap Singh and Ramakant Solanki, respectively. One of the critical grounds considered by the sessions

³ IPC

⁴ Arms Act

⁵ No.510 of 2024 dated 17th August, 2024

⁶ No. 156 of 2025 dated 10th April, 2025

court in denying anticipatory bail to Kamakhya Singh and in denying bail to Ram Pratap Singh and Ramakant Solanki was a video footage of the incident obtained by the police which showed presence of the accused at the site of the incident. In Ram Pratap Singh's case, the sessions court specifically recorded that he was seen holding a rifle in his hand.

- 7.** On perusal of the impugned orders granting relief to Kamakhya Singh and Ram Pratap Singh, it appears that the High Court completely omitted and failed to consider the aforementioned video footage, though reference to such video footage is found in the sessions court's orders. It also appears that the High Court, in all the impugned orders, failed to consider the statements of the witnesses under Section 161 of the Code of Criminal Procedure, 1973⁷ who had identified the relevant accused upon being shown the video footage.
- 8.** Insofar as Ramakant Solanki is concerned, even though the High Court recorded the submission of the Investigating Officer in respect of the video footage, it has failed to provide its own independent analysis or reasons as to whether this video footage adversely impacts Ramakant Solanki's prayer for bail. Merely recording the submissions of the parties without any independent assessment of such submissions is not a proper approach while dealing with applications for bail. Reference to material, however concise they may be, ought to be made to show application of mind. Importantly, it is

⁷ Cr. PC

'the reasons' which form the backbone of all judicial decisions. We may briefly refer to a decision of this Court in ***Assistant Commissioner, Commercial Tax Department v. Shukla and Brothers***⁸ to emphasize this point. It was held there as follows:

19. In the cases where the courts have not recorded reasons in the judgment, legality, propriety and correctness of the orders by the court of competent jurisdiction are challenged in the absence of proper discussion. The requirement of recording reasons is applicable with greater rigour to the judicial proceedings. The orders of the court must reflect what weighed with the court in granting or declining the relief claimed by the applicant....

...
24. Reason is the very life of law. When the reason of a law once ceases, the law itself generally ceases (Wharton's Law Lexicon). Such is the significance of reasoning in any rule of law. Giving reasons furthers the cause of justice as well as avoids uncertainty. As a matter of fact it helps in the observance of law of precedent. Absence of reasons on the contrary essentially introduces an element of uncertainty, dissatisfaction and give entirely different dimensions to the questions of law raised before the higher/appellate courts. In our view, the court should provide its own grounds and reasons for rejecting claim/prayer of a party whether at the very threshold i.e. at admission stage or after regular hearing, howsoever concise they may be.

(emphasis ours)

9. Based on the High Court's non-consideration of the video footage of the incident obtained by the police in respect of the accused herein, as well as its non-consideration of the statements of the witnesses under Section 161 Cr. PC who had identified the relevant accused upon being shown the video footage, we deem it appropriate to remit the matters to the High Court for fresh reconsideration of the respective prayers of the accused for anticipatory bail/bail.

⁸ (2010) 4 SCC 785

- 10.** In view of the above, the appeals stand allowed and the impugned orders are set aside. Consequently, CRM No. 66294/2024, CRM No. 68542 of 2024 and CRM No.76397 of 2024 shall stand revived and restored on the file of the High Court.
- 11.** Though we have set aside the impugned orders, we clarify that the accused Kamakhya Singh, Ram Pratap Singh and Ramakant Solanki shall continue to remain on interim bail, subject to such terms and conditions as were imposed by the High Court, till such time the roster Bench of the High Court finally disposes of the aforementioned applications for anticipatory bail/bail upon hearing the accused, the complainant and the police. Subject to its convenience, the High Court may list the said applications for being heard together.
- 12.** We clarify that the observations made in this order shall not be treated as findings on the merits of the case. All contentions/objections on merits are kept open.

.....J.
(DIPANKAR DATTA)

.....J.
(SHEEL NAGU)

**NEW DELHI;
OCTOBER 16, 2026.**