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RABINDRA NATH SINGH

v.

RAJESH RANJAN @ PAPPU YADAV & ANR.  
(Criminal Appeal Nos. 959 of 2010) etc.

B

MAY 3, 2010

[MARKANDEY KATJU AND A.K. PATNAIK, JJ.]

*Bail:*

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*Grant of bail to accused by High Court despite the directions by Supreme Court to the contrary\* – HELD: The Court expresses its regret that bail has been granted by High Court for no good reason except by saying that the appeal was not likely to be heard in six months – Such a view cannot be approved of when a large number of applications had already been rejected earlier both by High Court and Supreme Court – Despite the clear direction of Supreme Court not to entertain any further application of the accused for bail, the order of the High Court granting bail amounts to contempt of the order of the Supreme Court – When it was not found a fit case for bail before conviction, it is even less a fit case for bail after conviction – Impugned order of High Court set aside and accused directed to be taken into custody – Contempt of Court.*

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*\*Rajesh Ranjan Yadav Alias Pappu Yadav vs. CBI through its Director (2006) 9 Suppl. SCR 40 = (2007) 1 SCC 70, referred to.*

*Contempt of Court:*

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*Tactics of Bench hopping – During the course of hearing of the appeal against order of High Court granting bail to the accused whose application for bail had been rejected a large number of times by High Court and Supreme Court earlier, counsel for accused handing over to the Bench a letter written*

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*by accused that his case should be heard by the Bench of which the Judge named therein was not a member – HELD: Conduct of the respondent-accused is contemptuous – However, the Court restrained itself from issuing a notice for contempt of the Court against respondent-accused for sending such a letter – Bail.*

**Case Law Reference:**

(2006) 9 Suppl. SCR 40 referred to para 6

CRIMINAL APPELLATE JURISDICTION : Criminal Appeal No. 959 of 2010.

From the Judgment & Order dated 18.02.2009 of the High Court of Judicature at Patna in CR. APP. (DB) No. 418 of 2008.

WITH

C.A. No. 960 of 2010.

H.P. Rawal, ASG, A. Saran, Amit Pawan, V.K. Biju, C.D. Singh, J.M. Abraham, B. Krishna Prasad, Rakesh Kumar Singh, Vijay Pratap Singh, Prem Prakash, Arvind Kumar Sharma for the Appearing Parties.

The following Order of the Court was delivered

**ORDER**

1. Heard learned counsel for the parties.

2. Leave granted in both the petitions.

3. These appeals have been filed against the impugned judgment and order dated 18.02.2009 of the High Court of Judicature at Patna whereby the respondent Rajesh Ranjan @ Pappu Yadav has been granted bail in Sessions Trial No. 976 of 1999.

4. Learned counsel for respondent-accused handed over to us a letter dated 1.5.2010 written by the respondent-accused to his counsel wherein it is stated that the present case should be heard by a Bench of which one of (Markandey Katju, J.) is

A not a member. The said letter is taken on record.

5. Having perused the letter, we were inclined to issue notice for contempt of Court against respondent-accused for sending such a letter but we have restrained ourselves although  
 B it is clear that the conduct of the respondent-accused is contemptuous. We make it clear that this court will not tolerate the tactics of Bench hopping by an accused or any other person.

6. We have considered the entire facts and circumstances  
 C of the case and also noted the fact that earlier two bail applications of the respondent-accused have been rejected. Apart from that, in the case of this very accused, reported as *Rajesh Ranjan Yadav Alias Pappu Yadav Vs. CBI Through Its Director* (2007) 1 SCC 70, this Court has observed in para  
 D 24 as under.

“24. On the facts and circumstances of the case, we find no merit in this appeal. The appeal is accordingly dismissed. We, however, make it clear that no further  
 E application for bail will be considered in this case by any court, as already a large number of bail applications have been rejected earlier, both by the High Court and this Court.”

We are surprised that despite the aforesaid clear direction  
 F of this court, the High Court has granted bail to the respondent-accused. In fact, such an order of the High Court amounts to contempt of order of this Court since this Court has observed that no further bail application of the accused shall be entertained.

8. Learned counsel for the respondent submitted that the  
 G aforesaid decision was given rejecting bail pending the trial, whereas now bail was applied in appeal after conviction by the Trial Court. In our opinion, when it was not found a fit case for

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bail before conviction, it is even less a fit case for bail after conviction. A

9. There are very serious allegations against the respondent but we are not going into the same here because we do not wish to prejudice the appellate court. However, we do wish to express our regret that bail was granted by the High Court for no good reason except by saying that the appeal is not likely to be heard in six months. If bail is granted on such a ground then bail will have to be granted in almost every case, even when the offence is heinous. We cannot approve of such a view. B  
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10. For the reasons given, we set aside the impugned judgment and order dated 18.02.2009 and allow these appeals. It is directed that the respondent-accused Rajesh Ranjan alias Pappu Yadav shall be taken into custody forthwith. D

R.P.

Appeals allowed.