IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. OF 2026
(@ SLP(Criminal) No.13108/2026)

VISHWAJEET SINGH @BISHWAJEET RAMANAND **APPELLANT(S)**

VERSUS

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

O R D E R

1. Leave granted.

2. This appeal arises from the order passed by the High Court of Judicature at Patna dated 01.07.2026 in Criminal Miscellaneous No.74033 of 2025 by which the Criminal Miscellaneous Application preferred by the respondent no.2-the *de facto*-complainant, praying for cancellation of regular bail granted to the appellant before us, came to be allowed, and thereby the appellant was asked to be taken in custody.

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Digitally signed by CHANDRESH
Date: 2026.11.07 11:40:09 IST
Reason:

3. It appears from the materials on record that a First Information Report came to be lodged with the Vigilance Police Station bearing Case No. 29 of 2025, against the appellant for the offence punishable under Section 7(b) of the Prevention of Corruption Act, 1988 (for short, “the Act, 1988”).

4. The materials on record indicate that the appellant is serving as a Manager/Administrator in a Hospital by name Sadar Hospital, Samastipur. This hospital appears to be a Government Hospital. The allegations against the appellant are that he demanded a bribe of the amount of Rs.4,000/- for the purpose of clearing the wages of the *de facto* complainant to the tune of Rs.36,421/-.

5. In connection with the FIR referred to above, the appellant came to be arrested. Later he was ordered to be released on bail by the Sessions Court.

6. The *de facto* complainant, being dissatisfied with the order passed by the Sessions Court releasing the

appellant on bail, challenged the same before the High Court. The High Court thought fit to interfere with the order passed by the Sessions Court and accordingly cancelled the bail granted to the appellant.

7. In such circumstances, the appellant is here before us with the present appeal.

8. We heard Mr. Awanish Sinha, the learned counsel appearing for the appellant, Mr. Karan Verma, the learned counsel appearing for the *de facto* complainant (respondent no.2), Ms. Aditi Tripathi, the learned counsel appearing for the State and Mr. Parth Shekhar, the learned counsel appearing for the respondent no. 4, respectively.

9. We take notice of the fact that after a period of almost one year from the date of release of the appellant on bail by the Sessions Court, the High Court thought fit to disturb the order and cancel the bail.

10. *Prima facie*, it appears from the tenor of the impugned order that what weighed with the High Court was the observation of the Sessions Court, while releasing the appellant on bail that the bribe amount was paltry.

11. Ordinarily, in cases of this type, having regard to the maximum punishment that the trial court would impose, ultimately, if the accused is held to be guilty, bail is to be granted. It is only when there are criminal antecedents or the facts are very gross that the court may decline to exercise its discretion in favour of the accused.

12. The High Court may be right in observing that the quantum of the bribe amount is not a relevant factor for the purpose of determining whether bail should be granted or not. However, High Court could have observed this much and allowed the appellant accused to remain on bail.

13. In such circumstances, referred to above, we are

of the view that we should set aside the impugned order passed by the High Court and restore the original bail order passed by the Sessions Court. We order accordingly.

14. However, there is one disturbing feature which we should not ignore. It appears, that upon arrest, the appellant accused was in judicial custody for almost a period of 15 days. Once a public servant is arrested and remains in judicial custody for more than 48 hours, there is a deemed suspension. He being a public servant, he could be said to have been placed under deemed suspension. No specific order is required to be passed in this regard.

15. We are informed by the learned counsel appearing for the State that in fact the appellant was placed under suspension but later, the suspension order came to be revoked, and, shockingly, he has been once again posted in the very same hospital and that too on the very same post. This aspect shall be looked

into by the State at the earliest.

16. We expect the State to do the needful in the matter in accordance with law.

17. With the aforesaid, the appeal stands disposed of.

18. Pending application(s), if any, shall stand disposed of.

.....J.
[J.B. PARDIWALA]

.....J.
[MANMOHAN]

New Delhi
06th November, 2026.

ITEM NO.2 COURT NO.6 SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No. 13108/2026

[Arising out of impugned final judgment and order dated 01-07-2026 in CR. MISC. No. 74033/2025 passed by the High Court of Judicature at Patna]

VISHWAJEET SINGH @BISHWAJEET RAMANAND Petitioner(s)

VERSUS

THE STATE OF BIHAR & ORS. Respondent(s)

IA No. 207869/2026 - EXEMPTION FROM FILING O.T.

Date : 06-11-2026 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) :Mr. Awanish Sinha, AOR
Mr. Prem Ranjan Kumar, Adv.
Mr. Sanjib Kumar Mohanty, Adv.
Mr. Desh Ratan Nigam, Adv.
Mr. Sumit Kumar, Adv.

For Respondent(s) : Mr. Karan Verma- 4227, AOR

Ms. Aditi Tripathi- 3192, AOR
Mr. Udayan Sinha, Adv.

Mr. Himanshu Shekhar- 1184, AOR
Mr. Parth Shekhar, Adv.
Ms. Ambali Vedsen, Adv.
Mr. Shubham Singh, Adv.
Mr. Arvind Kumar Tomar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. Leave granted.

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

3. The relevant part of the order is as under:-

> ***"13...we are of the view that we should set aside the impugned order passed by the High Court and restore the original bail order passed by the Sessions Court. We order accordingly."***

4. Pending application(s), if any, shall stand disposed of.

(CHANDRESH) **(POOJA SHARMA)**
ASTT. REGISTRAR-cum-PS **COURT MASTER (NSH)**

(Signed order is placed on the file)