

ITEM NO.7

COURT NO.14

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(s) for Special Leave to Appeal (Crl.)
No.8437/2025

[Arising out of impugned final judgment and order
dated 21-03-2025 in CRM No.87634/2024 passed by
the High Court of Judicature at Patna]

AMAN KUMAR

Petitioner(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

IA No. 138015/2025 - EXEMPTION FROM FILING O.T.

Date : 29-10-2025 This matter was called on for
hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) : Mr. Somesh Chandra Jha, AOR
Mr. Akash Kishore, Adv.
Ms. Saumya Dwivedi, Adv.
Mr. Abhishek Kr Srivastava, Adv.

For Respondent(s) : Mr. Azmat Hayat Amanullah, AOR
Ms. Rebecca Mishra, Adv.

UPON hearing the counsel the Court made
the following

O R D E R

1. The petitioner who is an accused for the
offence punishable under Sections 309(5), 109(1),

103 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act is seeking for grant of regular bail contending *inter alia* that he is innocent of the offence alleged and he has been falsely implicated. It is also the contention of the learned counsel appearing for the petitioner that petitioner is in custody since 10.08.2024 as evident from the custody certificate. Learned counsel has vehemently contended that though chargesheet came to be filed on 30.09.2024 and all the accused are in judicial custody, yet without any justifiable ground, the charge has not been framed till date.

2. Section 251 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ("the BNSS") which mandates the framing of the charge reads thus:

251. Framing of charge.-(1) If, after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which-

(a) is not exclusively triable by the Court of Session, he may, frame a charge against the accused and, by order, transfer the case for trial to the Chief

Judicial Magistrate, or any other Judicial Magistrate of the first class and direct the accused to appear before the Chief Judicial Magistrate, or the Judicial Magistrate of the first class, on such date as he deems fit, and thereupon such Magistrate shall try the offence in accordance with the procedure for the trial of warrant-cases instituted on a police report;

(b) is exclusively triable by the Court, he shall frame in writing a charge against the accused within a period of sixty days from the date of first hearing on charge.

(2) Where the Judge frames any charge under clause (b) of sub-section (1), the charge shall be read and explained to the accused present either physically or through audio-video electronic means and the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried.

3. Clause (b) of sub-section (1) of Section 251 would indicate that where the matter is exclusively triable by the Sessions Court, the Court should frame the charge against the accused within a period of sixty days from the date of first hearing. We have noticed time and again that in large number of cases, charge is not being framed even after months and years after filing of the chargesheet. This is one of the primary reason

for the trial getting delayed. Until and unless the charge is framed, the trial would not progress. This situation seems to be prevalent in most of the Courts across the country and we are of the considered view and opinion that certain direction(s) requires to be issued PAN India in this regard. As such we would request Mr. Sidharth Luthra and Mr. Nagamuthu, learned Senior Counsels to assist the Court as Amicus, apart from the learned standing counsel appearing for the State of Bihar. We also permit the learned counsel appearing for the petitioner to furnish the copy of this petition and the present order to the learned Attorney General and Solicitor General of India, whose assistance would be value addition, as we propose to issue direction(s), if required for all the courts across the country.

4. Re-list after two weeks.

(NEHA GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)