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Assistant Registrar (Judl.)
.....2026
Supreme Court of India

REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).2351-2352 OF 2026
(Arising out of SLP (Criminal) No(s).8408-09 of 2026)
(Diary No(s). 24574 of 2026)

AMAN SINGH & ANR. ....APPELLANT(S)

VERSUS

26066876

STATE OF BIHAR ....RESPONDENT(S)

O R D E R

1. Heard.

2. Leave granted.

3. These proceedings arise from the judgment and order dated 22.01.2026 of the High Court of Patna in Death Reference No.2/2024 and Criminal Appeal (DB) No.691 of 2024.

4. The execution of the death sentence of the appellant(s) shall remain stayed pending the hearing and final disposal of the present appeal(s).

5. The original record of the case be summoned from the Trial Court and the High Court. A copy of the translated record shall be supplied to the counsel for the parties.

6. In view of the orders passed by this Court in matters involving capital punishment, we issue the following directions:

   a. The respondent-State of Bihar shall place before this Court the report(s) of all the Probation Officers relating to the appellant(s) within a period of sixteen (16) weeks.

   b. The Superintendent of Prison, Buxar Jail, Bihar, shall submit a report with regard to the nature of work which have been performed by the appellant(s) while in jail and a report with regard to the conduct and behaviour of the appellant(s) while in jail within a period of sixteen (16) weeks.

c. The Superintendent of Prison, Buxar Jail, Bihar, shall also get done the psychological evaluation of the appellant(s) from the Government Medical Hospital. The report of the evaluation shall be submitted to this Court through the Standing Counsel for the State of Bihar within a period of period of sixteen (16) weeks.

d. Ms. Devika Rawat, Associate (Mitigation) and Ms. Sana Vohra, Associated with the Square Circle Clinic, NALSAR University of Law, are permitted to have access to the appellant(s) – Aman Singh and Sonal Singh respectively, who are presently lodged in Buxar Jail, Bihar, to conduct multiple in-person interviews for the purpose of collecting information relevant to sentencing and to submit a Mitigation Investigation Report on behalf of the appellant(s) through the appellants' Advocate-on-Record within twenty (20) weeks.

e. The Superintendent, Buxar Jail, Bihar, shall ensure that, for the sake of confidentiality,

these interviews shall be conducted in a separate interviewing space without any prison official or police staff being within earshot distance, and audio recorders be permitted to be used to record the interviews.

f. The person(s) nominated by Ms. Devika Rawat and Ms. Sana Vohra are permitted to accompany them to translate during the interview.

g. Ms. Devika Rawat and Ms. Sana Vohra are granted permission to obtain documents pertaining to the appellant(s), including but not limited to medical records, jail conduct, certificates of any educational, vocational or employment opportunities undertaken, etc. that the appellant(s) may wish to submit for the purpose of sentencing information.

7. The Registry is directed to transmit a copy of this order to the Standing Counsel for the State of Bihar, who shall, in turn, ensure that the order is communicated to the relevant

authorities for compliance. The Registry shall, in addition, send a due intimation to all the concerned authorities immediately for compliance.

8. All the reports shall be duly compiled and placed before this Court on the next date of hearing.

9. Learned counsel for the parties to assist the Registry in pagination of the record.

10. **At this juncture, we are inclined to consider an issue which has repeatedly engaged the attention of this Court in cases involving the imposition of the death penalty. In *Manoj and Ors. v. State of Madhya Pradesh*[1], this Court in the context of death reference cases, underscored that while reformation is a foundational goal of criminal punishment, repeatedly affirmed in its jurisprudence, the absence of a structured and measurable framework, coupled with the inadequate implementation of meaningful prison**

1 (2023) 2 SCC 353.

reforms, has significantly hampered the system's ability to achieve genuine rehabilitation. In this backdrop, the Court proposed the formulation of practical guidelines to aid courts in systematically collecting and evaluating mitigating circumstances, moving beyond vague considerations such as general conduct or family background, and thereby enabling a more informed assessment of an accused's potential for reformation, while also serving as a precursor to a comprehensive legislative framework. Crucially, the Court emphasized that it is incumbent upon trial Courts to consider such mitigating circumstances at the earliest possible stage of proceedings in cases involving a potential death sentence, so as to ensure a balanced sentencing approach and to avoid slipping into a purely retributive response driven by the brutality of the crime, an outcome that the Court observed has become increasingly

common by the time such matters reach the appellate stage.

11. However, we are constrained to take note of a troubling trend being presented in multiple cases wherein reports on mitigating and aggravating circumstances are not being called for at the earliest stages of proceedings in a case involving a potential death sentence, namely, at the stage of sentencing before the trial Court or even at the stage of the reference for confirmation before the High Court. This omission creates a piquant situation in which such crucial material is, for the first time, sought only at the stage of appeal before this Court, thereby causing a long gap and avoidable delay in the collection of information essential for a proper, timely and informed determination on the question of sentence. Delayed consideration of these factors undermines the very objective of a balanced sentencing process and impedes the meaningful application of reformative principles.

12. It is also necessary to note that in a significant number of cases involving a potential death sentence, the quality of defence afforded to the accused remains inadequate, resulting in ineffective legal representation at crucial stages of the proceedings. Such deficiencies are often reflected in lackadaisical investigation and slackness in trial proceedings. There is hardly any attempt to collect data relating to mitigating and aggravating circumstances, thereby depriving the Courts of a complete and balanced perspective necessary for a just determination and imposition of sentence. The absence of competent and effective prosecution and defence not only undermines the fairness of the process but also increases the risk of a disproportionate, unjust, and uninformed sentencing outcome. This state of affairs renders it expedient to strengthen the legal aid framework in such cases, by ensuring the provision of skilled and adequately resourced legal representation, so that the accused is effectively assisted and the Court is

meaningfully aided in discharging its functions in accordance with constitutional principles.

13. In wake of the above discussion and the concerns noted in the preceding paras particularly in relation to the ineffective consideration of mitigating and aggravating circumstances and the need to ensure meaningful legal representation in cases involving a potential death sentence, the following directions are being issued: -

A. **The report pertaining to aggravating and mitigating circumstances shall, as a matter of course, be called for by the trial Court itself once the accused is convicted, prior to the determination of sentence.**

B. **In the event such a report has not been called for or placed on record before the trial Court, the High Court shall mandatorily call for the same at the stage of admission of the death reference.**

C. The concerned authorities shall ensure that such reports are comprehensive, duly verified, and furnished within a stipulated timeframe so as to avoid any delay in the adjudicatory process, and to aid and enable the Courts to undertake a meaningful, informed, and constitutionally compliant sentencing exercise. Upon receipt of such report, the Court concerned shall afford adequate opportunity to the parties to peruse the same and to advance oral submissions thereon. In cases where the reports procured by the trial Court are found to be ineffective or lacking in proper details, the High Court would be at liberty to call for a fresh report.

D. In every death sentence confirmation reference brought before the High Courts and this Court, the Legal Services Committee concerned shall assign a dedicated legal team comprising one Senior Counsel and at least two advocates

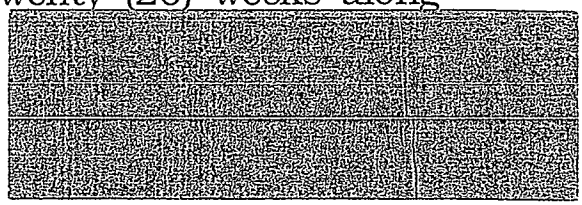
having a minimum of 7 years practice, to represent the convicted person. Such representation shall be provided irrespective of whether the convict has engaged private counsel, so as to ensure full and effective assistance to the Court in matters involving death penalty, which necessitate a careful balancing of the interests of justice, societal concerns, and the possibility of reformation and rehabilitation. The appointed legal team shall be furnished with the complete case records and afforded adequate time to prepare, conduct research, and present a comprehensive assessment of mitigating circumstances. The legal aid team so appointed shall work in cohesion with the representing private counsel, if any.

E. Each High Court, under the aegis of the High Court Legal Services Committee, shall constitute and maintain a dedicated panel of advocates for handling death reference matters.

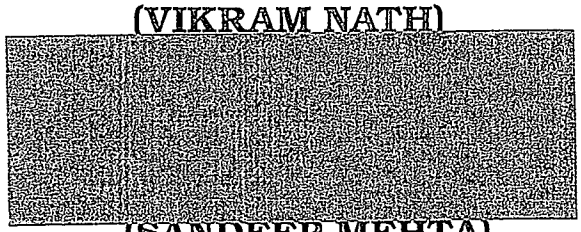
F. The National Legal Services Authority shall frame and circulate appropriate guidelines identifying the relevant fields of enquiry for gathering mitigating circumstances and may engage trained teams, including legal and social science professionals, to undertake fieldwork involving interaction with the convict, their family, and relevant authorities, for the purpose of collecting detailed information regarding background, antecedents, socio-economic conditions, mental health status, and other relevant factors. Such information shall be made available to the appointed legal team, which shall, in turn, place before the Court a holistic and well-documented account of the convict's potential for reformation along with all pertinent mitigating and aggravating circumstances to assist in a just and informed determination of sentence.

14. The Registry shall forthwith communicate this order to all the High Courts through their respective Registrar Generals; Member Secretary, National Legal Services Authority; and Member Secretaries of Legal Services Authorities of all the States and Union Territories for necessary compliance.

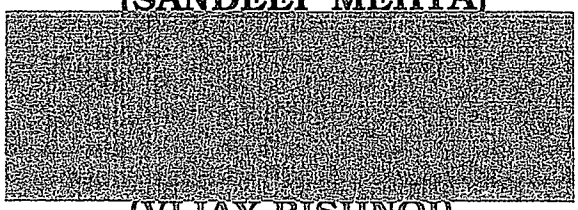
15. List the matter after twenty (20) weeks along with the report(s).



(VIKRAM NATH)



(SANDEEP MEHTA)



(VIJAY BISHNOI)

NEW DELHI;
27th APRIL, 2026.

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IN THE HON'BLE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

[Under Article 136 of the Constitution of India]

SLP (CRL.) NO. _____/2026

(From the Impugned Judgement dated 22.01.2026 passed by the Division Bench of the Hon'ble High Court of Patna in Death Reference No. 2/2024 and Criminal Appeal (DB) No. 691 of 2024)

IN THE MATTER OF:

POSITION OF PARTIES

	BEFORE THE HON'BLE SESSIONS COURT	BEFORE THE HON'BLE HIGH COURT	BEFORE THIS HON'BLE COURT
Aman Singh	Accused	Appellant	Petitioner No. 1
Sonal Singh	Accused	Appellant	Petitioner No. 2
Both S/o Ajay Singh R/o Village Khudrao/ Khudraon, P.S. Darihat, District – Rohtas, Bihar			
		Versus	
The State of Bihar	Prosecution	Respondent	Respondent

Through Secretary,
Department of Home, Sardar Patel Bhawan, Bailey Road
Patna Bihar - 800023

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION JUDGES OF THE HON'BLE SUPREME COURT OF INDIA.

THIS HUMLE PETITION
OF THE PETITIONERS ABOVE-NAMED

Most Respectfully Showeth:

1. That this instant Special Leave Petition under Article 136 of the Constitution of India has been preferred against the Judgement dated 22.01.2026 passed by the Division Bench of the Hon'ble High Court of Patna in Death Reference No. 2/2024 and CRA (DB) No. 691 of 2024 [*Hereinafter*, Impugned Judgement], whereby the Hon'ble High Court has confirmed the Death Sentence of the Petitioners, and dismissed the Criminal Appeals preferred by them. The Hon'ble High Court vide the Impugned Judgement has erroneously upheld the conviction of the Petitioners under Sections 302/34 IPC, and their corresponding death sentence, by placing reliance on the inherently improbable and untrustworthy testimonies of PW2 – Sanju Devi, PW3 – Khushbu Kumari, and PW4 – Shakuntala Devi, Post Mortem Reports *[Exhibits 7, 7/1, and 7/2]*, and the FSL Report *[Exhibit 8]*.

2. That the Hon'ble High Court of Patna fell in grave error of law in failing to appreciate that the very foundation of the prosecution case, including the genesis and earliest version of the occurrence, remains wholly unexplained, and the conviction has been sustained on unreliable and contradictory evidence, coupled with serious lapses in investigation going to the root of the matter. Despite the Petitioners having been convicted for three counts of murder, during their examination under Section 313 CrPC, each Petitioner was confronted only with one alleged



SEALED IN MY PRESENCE