

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 40550 of 2017

Arising Out of PS. Case No.-172 Year-2014 Thana- Rajauli District- Nawada

Kapoor Pawar @ Kapur Pawar Son of Ram Chandra Pawar, R/o Khokshi Bag, P.S- Purnea, District- Purnea, At present Hardia Sector 10, Situated Temporary Tent , P.S.- Rajauli , District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 22-11-2017 Heard Sri Bhavesh Kumar, learned counsel for the petitioner and Sri Bal Mukund Prasad Sinha, learned Addl. Public Prosecutor.

This is the 4th attempt for grant of bail on behalf of the petitioner. On last occasion, by order dated 24-08-2016, after examining the report, which was earlier called for from the court below, it was noticed that after framing of charge two witnesses had already been examined and thereafter, while dismissing the prayer for bail, the Court observed that learned Trial Judge may take all steps so that the case may come to its logical end without unnecessary delay. Since no adequate progress has taken place in the case, the petitioner has again renewed his prayer for bail by filing the present petition.



Earlier, on 20-09-2017, a report was called for from the court below regarding exact stage of the case, which has been received and report indicates that during intervening period i.e. from earlier rejection order of the bail and till the date of report, only one more witness was got examined by the prosecution.

Sri Bhawesh Kumar, learned counsel for the petitioner submits that the petitioner deserves to be released on bail on two counts. Firstly, no adequate progress has taken place during the trial and after last rejection of prayer for bail of petitioner, one of the co-accused, almost in similar circumstances, has been granted bail by a Bench of this Court by order dated 03-05-2017 passed in Cr. Misc. No. 10718 of 2017.

Learned Addl. Public Prosecutor has not disputed the fact that co-accused has been granted bail, but he tried to persuade the Court that case of petitioner is distinguishable from the case of co-accused i.e. Charandi Bhosle @ Charandih Ghosle, who has been granted bail.

However, besides hearing, I have also perused the material on record. Ofcourse, once on merit, the prayer for bail of the petitioner was rejected, there is no reason to review my earlier order, but since after rejection of prayer for bail of the petitioner, one of the co-accused, almost in similar



circumstance, has been granted bail as well as the fact that no adequate progress has taken place during the trial, certainly the petitioner may not be detained in custody indefinitely.

Accordingly, let the petitioner namely Kapoor Pawar @ Kapur Pawar be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st, Nawada in connection with S.T. No. 15 of 2015, arising out of Rajauli P.S. Case No. 172 of 2014.

(Rakesh Kumar, J.)

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