

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1271 of 2020**

Arising Out of PS. Case No.-212 Year-2015 Thana- CHANDAUTI District- Gaya

Nanhak Pandey @ Nanhak Singh @ Shatruhan Dubey aged about 60 years (male)
son of Late Lakhan Dubey R/o Village Bhikhanpur, P.S. Chandaoti (Chakand), Distt-
Gaya.

... .. Appellant

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Usha Kumari-I, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 31-08-2020 Heard learned counsel for the appellant and learned
Special PP for the State, through video conferencing.

The instant appeal has been preferred by the appellant
for grant of bail in connection Chandaoti Chakand P.S. Case No.
212 of 2015 registered under sections 307, 341, 323, 504, 506
and 34 of the Indian Penal Code and section 3(i)(x) of the
SC/ST Prevention of Atrocities Act to which section 302 of the
IPC was added subsequently.

As per allegation in the FIR, two named accused
persons caught hold of the informant while he was returning
home, abused and assaulted him. It is further stated that on the
co-villager Panchu Paswan coming to his rescue, co-accused
Ravindra Singh and the petitioner herein started to abuse him
and assaulted him with rod, as a result of which he fell down



injured.

It is submitted by learned counsel for the appellant that while the occurrence is stated to have taken place in the evening of 1.9.2015, information was given to the police station only on 2.9.2015 at 6.30 p.m. and thereafter the FIR was registered. It is further submitted that the so called injured was taken to the primary health centre where the doctor found simple injury on him. He is stated to have died subsequently on 4.9.2015. It is further submitted that the cause of death was kept reserved in the post mortem report and other similarly situated co-accused have been enlarged on bail by this Court. The appellant has no criminal antecedent and he is in custody since 10.2.2020.

The application for bail is opposed by learned Special Public Prosecutor appearing for the State.

Having heard learned counsel for the parties and on going through the records, it transpires that there is specific allegation against the co-accused Ravindra Singh and the appellant of having assaulted Panchu Paswan with a rod. The said allegation is supported by the materials in the post mortem report and in the final post mortem report, in the opinion of the doctor, death was due to head injury along with lungs disease.



Thus, in the facts and circumstances of the case, the Court is not inclined to enlarge the appellant on bail.

The appeal stands rejected.

(Partha Sarthy, J)

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