

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2479 of 2021**

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

NANHAK PANDEY@ NANHAK SINGH @ SHATRUHAN DUBEY Son
of Late Lakhan Dubey Resident of Village - Bhikhanpur, P.S.- Chandauti,
(Chakand), Distt.- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 06-10-2021 Heard learned counsel for the parties.

The instant appeal has been preferred against the order rejecting the prayer for bail of the appellant in a case registered under section 307 and other sections of the Indian Penal Code, section 3(1)(x) of the S.C. and S.T. Act to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, the accused Rabindra Singh and the petitioner herein are stated to have abused and assaulted the deceased with a rod.

It is submitted by learned counsel for the appellant that the earlier prayer for bail of the appellant was rejected vide order dated 31.8.2020 passed in Cr. Appeal(SJ) no.1271 of 2020. The cause of death of the deceased is not only the alleged



assault but also lungs' disease. The appellant is in custody since 10.2.2020 and there is no progress in the trial in the learned trial court.

Heard learned Special P.P. appearing for the State.

As per the report received from the learned trial court contained in letter dated 1.10.2021 of the I/C Exclusive Special Judge, S.C. and S.T. Act, Gaya, charge was framed on 29.1.2021 but none of the 9 prosecution witnesses as per chargesheet have been examined on behalf of the prosecution.

Having heard learned counsel for the parties and taking into consideration the allegations against the appellant, the Court is not inclined to enlarge the appellant on bail and the appeal is rejected.

Learned trial court is directed to expedite the trial.

Liberty is granted to the appellant to renew his prayer for bail, if there is no substantial progress in the trial in six months.

(Partha Sarthy, J)

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