

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2920 of 2021

Arising Out of PS. Case No.-18 Year-2017 Thana- PAKARIBARAW District- Nawada

SHIVBALAK YADAV @ SHIVBALAK KUMAR YADAV, Son of Arjun Yadav, Residence of Village- Keshori Bishunpur, P.S.- Pakaribaraw, District- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar, Advocate
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 dated 25.3.2021 passed by the learned 1st Addl. Sessions Judge-um-Special Judge SC/ST Act, Nawada, , whereby the prayer for bail of the appellant in connection with a case registered under section 302 and other sections of the Indian Penal Code, section 27 of the Arms Act and section 3 (2)(v) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per the allegation in the FIR, the appellant is stated to be the assailant of the deceased.

It is submitted by learned counsel for the appellant that the earlier prayer for bail of the appellant was rejected *vide* order dated 24.7.2020 passed in Cr.Appeal(SJ) No. 1299 of 2020. It is submitted that in the said order this Court had taken



note of a report from the learned trial court contained in letter dated 17.6.2020 that the trial was expected to conclude in about 9-10 months. In spite of 1 year 2 months having passed since the said order, there is no progress in the trial and even charge has not been framed. .

The prayer for bail is opposed by learned Special P.P. appearing for the State who submits that the appellant is the main assailant.

Having heard learned counsel for the parties and taking into consideration the allegation against the appellant, the Court is not inclined to allow the instant appeal and the same is rejected.

However, taking into consideration the appellant having remained in custody since 28.7.2017 for 4 years 2 months and there being no progress in the trial, charge also not having been framed, liberty is granted to the appellant to renew his prayer for bail if there is no progress in the trial in six months.

(Partha Sarthy, J)

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