

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1503 of 2022

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

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NANHAK PANDEY @ NANHAK SINGH @ SHATRUHAN DUBEY Son
of Late Lakhan Dubey R/o village - Bhikhanpur, P.S.- Chandauti (Chakand),
District – Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Dheli Paswan Late Naresh Paswan Resident of village- Alambigha, P.S.-
Belaganj, Dist- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. N.K.Agrawal, Sr. Adv.
Mr. Ashok Kumar Jha, Adv.
Mr. Saurav Anand, Adv.
Mr. Kumar Rajdeep, Adv.

For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 12-10-2022 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 Ravindra Singh and the appellant are said to have abused and assaulted the deceased with rod.



It is submitted by learned counsel for the appellant that the earlier prayer for bail of the appellant was rejected vide orders dated 31.8.2020 and 6.10.2021 giving liberty to the appellant to renew his prayer for bail if there is no progress in the trial in the learned trial court. In spite of the appellant being in custody since 10.2.2020 and charge having been framed on 29.1.2021, no prosecution witness has been examined till date. The appellant undertakes to cooperate in the trial.

As per the report received contained in letter dated 30.7.2022, no prosecution witness has been examined and the Court is vacant since 1.6.2022.

Heard learned Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the liberty granted in the earlier order of rejection dated 6.10.2021 together with the appellant having remained in custody since 10.2.2020 and no witness having been examined on behalf of the prosecution in the trial court, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 31.3.2022 impugned herein is set aside.

The appellant is directed to be enlarged on bail in connection with Chandauti (Chakand) P.S. Case no.212 of 2015 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of
the learned Exclusive Special Judge, SC/ST, Gaya.

(Partha Sarthy, J)

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