

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.35 of 2022

Arising Out of PS. Case No.-270 Year-2021 Thana- MINAPUR District- Muzaffarpur

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PALLI RAI @ JUGUAL RAI @ JAI KISHORE RAI @ JAY KISHOR RAY
S/o Late Kapil Dev Ray R/o Village - Kharika, P.S. Minapur, Distt. -
Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Jai Prakash Verma
For the Informant	:	Mr. Kalyan Shankar
For the State	:	Mrs.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 14-07-2022 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

The appellant has filed the instant appeal against the
order dated 01.12.2021 passed in Minapur P.S. Case No. 270 of
2021 by the learned Additional Sessions Judge-III cum-Special
Judge, SC/ST (POA) Act, Muzaffarpur whereby and
whereunder the prayer for bail of the appellant in connection
with Minapur P.S. Case No. 270 of 2021 registered under
Sections 342, 302, 120(B)/34 of the Indian Penal Code and
Section 3(1)(r)(s)/2(v) (Va) of SC & ST (POA) Act was
rejected.

As per allegation in the FIR, brother-in-law of



informant has been brutally assaulted by the FIR named accused persons including the appellant as a result of which informant's brother-in-law succumbed to the injuries.

It is submitted by learned counsel for the appellant that appellant bears no criminal antecedent so far. There is no specific overt-act against the present appellant. There is no motive behind the occurrence as attributed to the present appellant and the appellant is also not the family member of co-accused Ramkishore Rai. As per FIR itself, there was love affair between the deceased Rajesh Kumar and Poonam Kumari. The appellant has no concern with deceased Rajesh Kumar and Poonam Kumari. Appellant is in jail custody since 30.07.2021. He further submits that co-accused Ramkishore Rai whose bail has been rejected by the co-ordinate Bench of this court is father of co-accused Poonam Kumari and petitioner has no concern with the said co-accused Poonam Kumari.

The appeal is opposed by learned counsel for the informant as well as learned Special Public Prosecutor for the State. Learned counsel for the informant submits that having similar allegation prayer for bail of co-accused Ramkishore Rai has been rejected by the co-ordinate Bench of this Court vide Cr. Appeal (SJ) No. 4486 of 2021. Learned counsel for the



informant referred para 3 of the case diary by submitting that the statement of the deceased was recorded in para-3 of the case diary, in which he has specifically taken the name of the accused persons including the appellant and alleged that all the accused persons have assaulted him by means of rod and postmortem report has also supported this fact.

In the facts and circumstances of the case, considering the specific allegation against the appellant, I am not inclined to enlarge him on bail. Hence, prayer for bail of the appellant named above is rejected.

The appeal is hereby dismissed.

(Alok Kumar Pandey, J)

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