

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1578 of 2023**

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

PALLI @ JUGAL RAY @ JAI KISHORE RAY @ Jay Kishor Ray @ Yugal  
Rai, Son of Late Kapildev Ray R/V- Kharika PS- Minapur Dist- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Jitendra Kumar Son of Mahesh Rai R/V- Khiri Pakar, PS-Sahebganj Dist-  
Muzaffarpur.

... .. Respondent/s

**Appearance :**

|                     |   |                           |
|---------------------|---|---------------------------|
| For the Appellant/s | : | Mr.Y.C. Verma, Sr. Adv.   |
|                     | : | Mrs.Priyanka Singh, Adv.  |
| For the State       | : | Mr.Binay Krishna, Spl. PP |
| For the Informant   | : | Mr.Kalyan Shankar, Adv.   |
|                     | : | Mrs.Smita Kumari, Adv.    |

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

11      02-08-2023                      Heard the parties.

2. The appellant has filed the instant appeal against the order dated 15.02.2023 passed in Minapur P.S. Case No.270/2021 by the learned Additional District and Sessions Judge-I cum Special Court, SC/ST (POA) Act, Muzaffarpur whereby and whereunder the prayer for bail of the appellant in connection with Minapur P.S. Case No. 270/2021 registered under Sections 342, 302, 120(B)/34 of the Indian Penal Code and Sections 3(i)(r)(s)/2(v) (va) of SC & ST (POA) Act was rejected.

3. As per prosecution case, brother-in-law of the



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.

4. Learned counsel for the appellant submits that appellant is languishing in custody since 31.07.2021 and bears no criminal antecedent. 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. 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 appellant has no concern with the said co-accused Poonam Kumari.

5. The learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the appellant. Learned counsel for the informant submits that having similar allegation prayer for bail of co-accused Ramkishore Rai has already been rejected by the co-ordinate Bench of this Court vide Cr. Appeal (SJ) No.4486/2021.



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. He further submits that the prayer of bail of the present appellant has already been rejected on merit vide order dated 14.07.2022 passed in Cr. Appeal (SJ) No.35/2022.

6. A report regarding stage of trial has been called for, from the trial court vide order dated 21.06.2023. The trial court vide letter no.116/2023 has sent its report which reveals that out of 22 charge-sheeted witnesses, 06 witnesses have been examined. The aforesaid report further reveals that the trial court has sought at least six months time for concluding the trial.

7. Considering the facts and circumstances of the case, particularly keeping in view that earlier bail prayer of the appellant has been rejected on merit, I am not inclined to grant bail to the appellant. Hence, prayer for bail of the appellant stands rejected.

8. Accordingly, the appeal is hereby dismissed.



9. The trial court is directed to conclude the trial on day to day basis. If the trial is not concluded within six months from the date of receipt / production of copy of this order to the court concerned, prayer for bail may be renewed.

**(Alok Kumar Pandey, J)**

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