

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1691 of 2023

Arising Out of PS. Case No.-181 Year-2022 Thana- DARIYAPUR District- Saran

Ravi Rai Son of Late Munna Rai @ Nanhaki Rai Resident of Village-
Dariyapur, P.S.-Dariyapur, Dist-Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Nageshwar Ram Son of Late Ramdas Ram Resident of village-Kasmar, P.S.-
Sonepur, Dist-Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Binod Kumar Sinha, Advocate
For the State	:	Mr. Binay Krishna, Spl.P.P.
For the Respondent	:	Mr. Bishwajeet Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-08-2023 Heard learned counsel for the appellant, learned
counsel appearing on behalf of the Respondent No. 2 as well as
learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 27.02.2023
passed by the learned Court of 3rd Additional Sessions Judge
cum SC/ST Special Court, Saran at Chapra in connection with
Dariyapur P.S. Case No. 181 of 2022, F.I.R. dated 05.04.2022
registered under Sections 394, 302, 120B/34 of the Indian Penal
Code and Sections 3(2) (V) of the Scheduled Castes and
Scheduled Tribes (POA) Act.

3. According to the prosecution case, two miscreants



riding a motorcycle intercepted the son of the informant while he was going to Bajahiya and snatched his goods and assaulted him with knife and fled away. It is further alleged that the son of the informant died on the way to the hospital.

4. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that the appellant is not named in the F.I.R. and the name of the appellant has been transpired during investigation on the basis of the information furnished by the local chowkidar as stated in paragraph no. 31 of the case diary. He further submits that the confessional statement of the appellant was recorded which leads to the recovery of knife as well as tempo which was used in crime in question and the appellant is the owner of the tempo.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that sufficient material has come during investigation to suggest the involvement of the appellant in the present occurrence and apart from the aforesaid the motorcycle used in crime in question has been recovered from the possession of the co-accused, namely, Dhiraj Kumar. They



further submits that the appellant carries one criminal antecedent other than the present one.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail in connection with Dariyapur P.S. Case No. 181 of 2022 pending in the court of learned 3rd Additional Sessions Judge cum SC/ST Special Court, Saran at Chapra.

7. Accordingly, the impugned order is affirmed and this appeal stands dismissed.

(Rajesh Kumar Verma, J)

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