

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3256 of 2021**

Arising Out of PS. Case No.-16 Year-2021 Thana- KARJA District- Muzaffarpur

Md. Shahbaj Ansari @ Rinku @ Sahwaj Ansari S/O- Md. Hakim Ansari @ Abdul Hakim R/O Village - Pakari Pakohi, P.S. - Karja, District - Muzaffarpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nafisuzzoha

For the Respondent/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

10 24-08-2023 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

The instant appeal has been filed by the appellant against the order dated 14.07.2021 passed by learned 3rd Additional Sessions Judge cum Spl. Judge SC/ST (POA) Act, Muzaffarpur whereby the prayer for bail of the appellant in connection with Kajra P.S. Case no. 16 of 2021 under Sections 302, 120B and 34 of the Indian Penal Code and sections 3(i) (r) (s)/2 (v) (va) of SC/ST (Prevention of Atrocities Act) Act was rejected.

Allegation against the appellant is of stabbing by means of knife to the informant's brother incessantly due to



which he succumbed to injuries. It is further alleged that several co-accused persons also assaulted the deceased and had abused him by caste name.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to personal grudge on account of village politics. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. He has no intention to disgrace the image of the informant in public view. Moreover, he is languishing in judicial custody since 15.01.2021.

The application for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that the petitioner is named in FIR and also there is specific overt act of assaulting by means of knife to the informant's brother due to which he succumbed to injuries. It is further submitted that the postmortem report shows that two incised wounds found on the body of the deceased and the doctor opined that the cause of death of the deceased is due to sharp cut weapon which is corroborated with the prosecution version. It is also submitted that several witnesses supported the prosecution version during the course of investigation.

Having heard learned counsel for the parties and taking into consideration the fact that the specific allegation



against the appellant. I do not find it appropriate to grant bail to the appellant and, as such, his prayer for regular bail is rejected.

The application stands disposed off.

The trial court is directed to expedite and conclude the trial within a period of six months as mentioned in the report of trial Court dated 15.04.2023, failing which, the appellant will be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

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