

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2859 of 2023

Arising Out of PS. Case No.-268 Year-2015 Thana- CHAPRA MUFFASIL District- Saran

Goddu @ Sanjay Kumar S/O Raj Kumr Mahto @ Raj Kumar Tatwa R/O
Mohalla- Husse Chapra Ps. Chapra Town Dist. Saran At Chapra

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Pravin Kumar S/O Late Shatrudhan Manjhi R/O Mohalla- Kuldip Nagar Ps.
Chapra Muffasil Dist. Saran At Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 11-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 15.3.2023 passed by learned 3rd Additional Sessions Judge-cum-SC/ST Special Court, Saran at Chapra whereby the prayer for bail of the appellant in connection with Chapra Muffasil P.S. Case no. 268 of 2015 under Sections 302, 379/34 of the Indian Penal Code and section 3(11)(s) of SC/ST (Prevention of Atrocities Act) Act was rejected.

3. As per allegation in the FIR, on 20.10.2015, appellant took out the knife from his pocket and stabbed in the chest of brother of the informant, namely Upendra Paswan and accused Raja Kumar snatched gold chain and two mobiles and fled away. Upendra Kumar were taken to hospital where doctor declared him brought dead.



4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The alleged occurrence took place at the spur of moment. There is no allegation of repeating the assault. No SC/ST case will attract against the appellant as he also belongs to SC/ST Community. Appellant is languishing in judicial custody since 19.12.2022.

5. The application for bail is opposed by learned Spl. P.P. for the State and submitted that specific allegation of stabbing is against the appellant due to which he succumbed to the injuries. During investigation, several witnesses have supported the prosecution story. Postmortem report is in consonance with the prosecution story as doctor opined cause of death due to excessive bleeding due to incised wound.

6. Having heard learned counsel for the parties and taking into consideration that there is direct allegation of stabbing to the informant's brother against that appellant, I do not find it appropriate to grant bail to the appellant and, as such, his prayer for bail is rejected.

7. The appeal stands disposed off.

8. The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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