

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3122 of 2024

Arising Out of PS. Case No.-105 Year-2023 Thana- KISHANPUR District- Supaul

Rupesh Kumar @ Durjo Kumar Son of Tunay Yadav @ Dunai Yadav @
Tunai Yadav Resident of Village - Sujampur, P.S.- Kishanpur, District -
Supaul.

... .. Appellant/s

Versus

1. The State of Bihar
2. Thakuni Devi Wife of Raxmi Ram R/o- Jhakharahi, Ward No.- 14, P.S.-
Kishanpur, District - Supaul.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bipin Bihari Singh, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

8 13-12-2024

Re : I.A. No. 1 of 2024

Heard the parties.

2. For the reasons stated in the application, the delay
in filing the present criminal appeal is condoned.

3. I.A. No. 1 of 2024 stands allowed.

Re : Cr. Appeal (SJ) No. 3122 of 2024

4. The appellant has filed the instant appeal against
the order dated 19.08.2023 passed in SC/ST Case No. 32 of
2023 arising out of Kishanpur P.S. Case No. 105 of 2023 by the
learned Additional District and Sessions Judge Ist cum Special
Judge, SC/ST, Supaul whereby and whereunder the prayer for
bail of the appellant in connection with SC/ST Case No. 32 of



2023 arising out of Kishanpur P.S. Case No. 105 of 2023 registered under Section 307 and 302/34 of the Indian Penal Code and under Section 3(i)(r)(s) and 3(2)(v) of the SC/ST Act was rejected.

3. As per prosecution case, petitioner with an intention to kill, inflicted knife blow on the informant's husband below the ear, stomach and other parts of his body. It is also alleged that informant was also being inflicted on hand and neck as a result of which she sustained injury.

4. Learned counsel for the appellant submits that on 21.01.2024 the prayer for bail of the present petitioner has already been rejected by this Court vide Cr. Appeal (SJ) No. 4973 of 2023. He further submits that appellant is quite innocent and has committed no offence as alleged against him in FIR and he has falsely been implicated in the present case on account of local politics / group rivalry. The appellant is languishing in custody since 10.08.2023 and bears no criminal antecedent.

5. Learned counsel on behalf of the informant as well as learned Special P.P. of SC/ST vehemently opposed the prayer for bail of the appellant and submits that earlier prayer for bail of the petitioner was rejected by this Court on 17.01.2023 and no fresh ground has been urged on behalf of the petitioner



warranting reconsideration of his prayer for bail. Learned counsels submits that there is a direct allegation of inflicting knife blow at several parts of the body of the informant's husband. The postmortem report of the informant's husband also indicates that the injuries are caused by sharp cutting weapon and hence, the impugned order passed by the learned trial court is justified and legal and the appellant does not deserve bail.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the appellant coupled with postmortem report as well as material available on record, I am not inclined to grant bail to the appellant.

7. Accordingly, the prayer for bail of the appellant is hereby rejected and the appeal stands dismissed.

(Alok Kumar Pandey, J)

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