

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4973 of 2023

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

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RUPESH KUMAR @ DURJO KUMAR SON OF TUNAY YADAV @
DUNAI YADAV @ TUNAI YADAV RESIDENT OF VILLAGE
SUJANPUR, P.S. KISHANPUR, DISTRICT SUPAUL.

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. THAKNI DEVI W/O LAXMI RAM R/O JHAKHARAHI, WARD NO. 14,
P.S.- KISHANPUR, DISTRICT- SUPAUL.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-01-2024 Heard the parties.

2. 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 the 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 by submitting that there is a direct allegation of inflicting knife blow at several parts of the body of the informant's husband. They further submit that the postmortem report of the informant's husband also indicates that the injuries are caused by sharp cutting weapon and hence, 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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