

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.118 of 2024

Arising Out of PS. Case No.-1039 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Ravi Chaudhary @ Ravi Sahani @ Ravi Kumar Chaudhary Son Of
Bishwanath Chaudhary Resident of Mohalla - Balughat, Bandh Road Surj
Mandir Akharaghat, Near Raj Narayan Singh College, P.S. - Town, District -
Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Gujri Devi Wife of Bhutari Mallik Resident of Mohalla - Akharaghat, Surj
Mandir, P.S. - Nagarsikandra, District - Muzaffarpur

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Mani Bhushan Kumar, Adv.
For the State	:	Mr. Sadanand Paswan, SPP
For the O.P. No. 2	:	Mr. Chandan Kashyap, Adv.

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 16-05-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 21.08.2023, passed by learned Special
Judge, SC/ST Act, Muzaffarpur whereby the prayer for bail of
the appellant in connection with Town P.S. Case No. 1039 of
2022 lodged under Section 302 of the I.P.C. and Section 3(1)(r)
(s), 3(2)(5)(a) of the Scheduled Caste and Scheduled Tribes
(Prevention of Atrocity Act), 1989, was rejected.



3. As per prosecution case, the accusation against the accused/appellant is of assaulting the husband of the Informant by knife due to which he sustained grievous injury in his stomach. Thereafter, he was taken to S.K.M.C.H. Hospital, Muzaffarpur for treatment where he was declared dead in course of treatment.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. He further submits that the appellant had no intention to attack on the deceased by knife but, due to provocation, the occurrence took place. Nothing incriminating has been recovered from the physical/conscious possession of the appellant. Charge-sheet has been submitted in this case. The appellant is in custody since 30.01.2023. The appellant has no criminal antecedents.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that there is specific and direct allegation of assault by knife upon the deceased. The appellant is named accused in the F.I.R. and the allegation made against him is serious in nature. The postmortem report also supports the prosecution case.



6. Considering the aforesaid facts and circumstances of the case and taking into account the rival submissions made by the parties as also there being direct allegation of assault by knife against the appellant, this Court is not inclined to grant bail to the appellant at this stage.

7. Accordingly, the prayer for bail of the appellant, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of nine months from the date of receipt/production of a copy of this order.

8. If the trial is not conclude within the aforesaid period of nine months, the appellant will have liberty to renew his prayer for bail before the court below which will be disposed of on merits without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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