

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3635 of 2024

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

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Guddu @ Sanjay Kumar Son of Raj Kumar Mahto @ Raj Kumar Tatwa R/V-
MOHALLA- HUSE CHAPRA, P.S.- CHAPTA TOWN, DISTT.- SARAN AT
CHAPRA

... .. Appellant/s

Versus

1. The State of Bihar
2. PRAVIN KUMAR SON OF LATE SHATRUDHAN MANJHI R/V-
MOHALLA- KULDIP NAGAR, P.S.- CHAPRA MUFASSIL DISTT.-
SARAN AT CHAPRA

... .. Respondent/s

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Appearance :

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

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 06-02-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 15.03.2023 passed by the learned 3rd Additional Session Judge-cum-SC/ST Special Court, Saran in connection with Chapra Muffasil P.S. Case No. 268/2015 dated 20.10.2015 registered for the offence/s punishable u/ss 302, 379 read with Section 34 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST (POA)



Act.

3. As per the prosecution case, the appellant took out the knife from his pocket and stabbed in the chest of the informant's brother and the co-accused, Raja Kumar snatched gold chain and two mobiles and fled away. Further, the informant's brother were taken to the hospital where doctor declared him brought dead.

4. Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case due to ulterior motive. Nothing has been recovered from the conscious possession of the appellant. Learned counsel has further submitted that there is no allegation of repeating the assault against the appellant, hence no case is made out under section SC/ST Act. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 19.12.2022.

5. Learned Spl.P.P. for the State has vehemently opposed the prayer of bail and submitted that the specific allegation of assault of knife and stabbing is against the appellant due to which he succumbed to the injuries. As per post-mortem report, the cause of death is due to excessive bleeding due to incised wound. Earlier the bail petition of



appellant has been rejected by the Co-ordinate Bench vide order dated 11.01.2024 passed in Cr. Misc. No. 2859 of 2023.

6. Considering the aforesaid facts and circumstances of the case as well as the specific allegation against the appellant, I am not inclined to enlarge the appellant on bail.

7. Learned court below is directed to conclude the trial of the appellant at the earliest.

8. Accordingly, the appeal stands rejected.

(Chandra Prakash Singh, J)

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