

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.881 of 2025

In
CRIMINAL MISCELLANEOUS No.75783 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- NAUHATTA District- Rohtas

Prashant Kumar Son of Baidyanath Prasad Resident of Village - Daranagar,
P.S. - Nouhatta, District - Rohtas at Sasaram

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramanand Paswan Son of Late Dukhan Paswan Resident of Village -
Daranagar, P.S. - Nouhatta, District - Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. D. K. Sinha, Sr. Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

7 17-09-2025 Heard learned senior counsel for the appellant,

learned Special Public Prosecutor for the State and perused the

case diary.

2. The instant appeal has been filed by the appellant
against the order dated 12.09.2024 passed by learned Additional
District and Sessions Judge-IX-Rohtas, Sasaram whereby the
prayer for anticipatory bail of the appellant in connection with
Nouhatta P.S. Case No. 95 of 2024 under Section 302 of the
Indian Penal Code.

3. Prosecution case, in short, is that the accused
persons called the informant's nephew to attend a feast at the
school and when he reached there, they committed his murder.



4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case under Sections 302/34 of the Indian Penal Code, read with Sections 3(1)(r)(s) and 3(2)(v) of SC/ST Act. Learned counsel for the appellant submits that the appellant is not named in the FIR. Name of the appellant has transpired in course of investigation on the basis of confessional statement of co-accused person and the same has got no evidentiary value. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant has got one criminal antecedent in which he is on bail.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the appellant and submits that there is specific allegation levelled against the appellant, his name has transpired on the basis of confessional statement of co-accused person. It is also submitted that the same has been found true and supplementary investigation is pending. Learned SPP for the state has submitted that



anticipatory bail petition is not maintainable as the investigation is still going on and has further placed reliance on a case of the Hon'ble Supreme Court since reported in **2025 SCC Online SC-1886 (Kiran vs. Rajkumar Jivraj Jain and Anr.)**. Hence, the appellant does not deserve the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case, specific allegation as also nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the appellant at this juncture.

7. The prayer is rejected. However, the appellant is directed to surrender in the Court below and pray for regular bail. If any such application is filed, the Court below shall consider and dispose of the same on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Rajorshi/-

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