

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.994 of 2025

Arising Out of PS. Case No.-348 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

Prince Kumar S/O Omprakash Thakur Resident of Village- Pakwalia, P.S-
Hussainganj, District- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar S/O Late Nawal Kumar Ram R/O Mohalla- Mahadeva Mission,
P.S- Siwan Muffasil (Mahadeva O.P.), Distt.- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rakesh Kumar Shrivastava, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Sheo Jee Mishra, Advocate

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

ORAL ORDER

3 10-07-2025 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 07.02.2025 passed by Additional Session
Judge 1st cum Special Judge, Siwan whereby the prayer for
anticipatory bail of the appellant in connection with Siwan
Muffasil P.S. Case No. 348 of 2024 under Sections 302/34 of
the IPC, Section 27 of the Arms Act and Section 3(i)(r)(s), 3(2)
(v) of SC/ST Act was rejected.

3. Accusation against the three accused persons is of
firing upon the informant's brother due to which he died.



4. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case. appellant is not named in the F.I.R. The name of the appellant has transpired on the basis of confessional statement of co-accused Anil Kumar Yadav and Saurabh Kumar which has no evidentiary value in the eye of law. Learned counsel further submitted that police during investigation recorded the statement of co-accused Anil Kumar Yadav. It is further submitted that co-accused Anil Kumar Yadav has stated before the police that it was the co-accused Jimmy @ Jitendra Yadav @ Master who fired upon the deceased. It is further submitted that the name of the appellant is being dragged in this case out of enmity with respect to land dispute with the family of the co-accused Saurabh Kumar. Learned counsel for the appellant further submitted 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 no criminal antecedent.

5. Learned Special P.P. for the State and the informant vehemently opposed the prayer for grant of bail to the appellant. Learned APP further submitted that as per the material available



in the case diary, this appellant actively participated in the commission of murder of the informant’s son and therefore, the appellant does not deserve the privilege of anticipatory bail.

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

7. Accordingly, the present appeal is dismissed.

8. Appellant is directed to surrender before the learned court below within a period of six weeks and seek regular bail.

(Rudra Prakash Mishra, J)

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