

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2103 of 2025

Arising Out of PS. Case No.-301 Year-2023 Thana- NOORSARAI District- Nalanda

Lakshman Mahto @ Chandan Prasad Sinha @ Chandan Kumar Sinha S/o
Late Adam Mahto @ Ajay Prasad Sinha R/o Vill- Kundi, P.O.- Daruara, P.S.-
Noorsarai, Distt- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Rohit Kumar S/o Kishore Chaudhary R/o Prabhlad Nagar, P.S.- Nursarai,
Distt- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Monika Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	Mr. Ashutosh Singh, Advocate
		Mr. Raghav Vats, ad,
		Mr. Vidhan Chandra Pathak, Advocate

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

ORAL ORDER

- 3 17-09-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State, learned counsel for the

informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 28.04.2025 passed by learned 6th Additional Sessions Judge-cum-Special Judge SC/ST, Nalanda whereby the prayer for anticipatory bail of the appellant in connection with Noorsarai P.S. Case No. 301 of 2023 under Sections 341, 323, 307, 504, 506, 302/34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(v)(a) of SC/ST Act was rejected.

3. The prosecution case, in short, is that all the accused persons including this appellant assaulted the father of



the informant by means of *khanti* and *lathi*. It is specifically alleged that co-accused Daroga Mahto gave *khanti* blow on the head of the informant due to which he sustained head injuries and later on, he succumbed to injuries.

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. Learned counsel for the appellant also submits that there is delay of four days in lodging the FIR. The allegation levelled against the appellant is not specific rather the same is general and omnibus in nature. The specific accusation of assaulting the deceased is attributed against co-accused Daroga Mahto. 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 no criminal antecedent. Similar co-accused has been granted regular bail by this Court vide order dated 04.04.2024 passed in Cr. Appeal (S.J.) No. 246 of 2024.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of anticipatory



bail to the appellant and submits that the appellant is named in the FIR and there is specific allegation against him. It is also submitted that cognizance has already been taken against the appellant by the Court below. 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 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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