

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3792 of 2024**

Arising Out of PS. Case No.-255 Year-2024 Thana- OBRA District- Aurangabad

Banti Alam @ Vakil Khan Son of Ali Hussain Miyan @ Nanku Resident of
Village - Bari Chowk, P.S.- Obra, District - Aurangabad (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumar Paswan Son of Late Ramsawrup Ram Resident of Village and
P.S.- Obra, District - Aurangabad (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Birendra Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	None

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

ORAL ORDER

4 10-07-2025 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State. None appears on behalf

of the informant despite notice being validly served. Perused the

case diary.

2. The instant appeal has been filed by the appellant
against the order dated 20.07.2024 passed by Special Judge
(SC/ST)-cum-1st Additional District and Sessions Judge,
Aurangabad whereby the prayer for anticipatory bail of the
appellant in connection with Obra P.S. Case No. 255 of 2024
under Sections 302/34 of the IPC and Sections 3(1)(r), 3(1)(s),
3(2)(va) of SC/ST Act was rejected.

3. The prosecution case, in short, is that, on the alleged



date and time, the informant saw that the accused persons were dragging the dead body of the informant's father towards the river for disposing of the same. It is further alleged that when the informant raised an alarm, several villagers gathered on the spot and in the meantime, the accused persons tried to run away from the spot but two of them were caught by the villagers and handed over to the police.

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 Md. Arman. Learned counsel further submitted that save and except confessional statement there is no cogent material against the appellant to show his involvement in the alleged occurrence. 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 vehemently opposed the prayer for grant of bail to the appellant. Learned



APP further submitted that police, after investigation, submitted charge-sheet and supplementary charge-sheet against the appellant. He further submitted that co-accused has confessed his guilt and has disclosed the involvement of the appellant in the commission of murder of the deceased 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 six weeks and pray for regular bail.

(Rudra Prakash Mishra, J)

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