

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3933 of 2024

Arising Out of PS. Case No.-274 Year-2024 Thana- SITAMARHI District- Sitamarhi

Subhash Kumar Son of Ram Chandra Sah @ Ram Chandra Shah Resident of Village - South of Ganinath Road, Ward No.- 17, P.S.- Sitamarhi, District - Sitamarhi.

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Priyanshu Raj Son of Late Dev Prakash Baitha Resident of Village - Raghapur Bakhri, P.S.- Punaura, District - Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Hans Lal Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Dwij Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 31-01-2025 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 11.07.2024 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Sitamarhi whereby the prayer for anticipatory bail of the appellant in connection with Sitamarhi P.S. Case No. 274 of 2024 under Sections 302, 201, 34 of the Indian Penal Code and Sections 3(2)(IV), 3(2)(v) of SC/ST Act was rejected.



3. As per the prosecution case, the accusation against the accused persons including the appellant is of committing the murder of the informant's brother.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that general and omnibus allegation has been made against the appellant. Learned counsel further submitted that specific allegation is against the co-accused Ashish Kumar Yadav. 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 no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that this appellant was engaged in disappearing the evidence. Learned APP further submitted that investigation is still pending in this case and, therefore, appellant may not be released on bail.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of offence, this Court is not



inclined to grant anticipatory bail to the appellant.

7. Accordingly, the instant appeal stands dismissed.

(Rudra Prakash Mishra, J)

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