

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5471 of 2024**

Arising Out of PS. Case No.-576 Year-2024 Thana- RAFIGANJ District- Aurangabad

Nitish Kumar @ Nitish S/O Ashok Mahto Resident of Village - Baligaon, P.S-
Rafiganj, Dist- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rohit Kumar Paswan S/O Baburam Paswan Resident of Village - Baligaon,
P.S- Rafiganj, Dist- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 10-11-2025 Heard learned counsel for the appellant, learned Spl. P.P.
for the State and learned counsel for the Informant.

2. This appeal is preferred against the order dated 11.11.2024, passed by the learned Addl. Sessions Judge-I-cum-Spl. Judge (SC/ST, Act), Aurangabad in ABP No. 2409 of 2024, in connection with Rafiganj P.S. Case No. 576 of 2024, registered under Sections 127(2), 115(2), 308(3), 303(2), 109, 118, 351, 352, 3(5) of BNS and Section 3(1)(r), 3(1)(s), 3(2)(va) SC/ST Act, by which the prayer for Anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, the allegation against the appellant is that Appellant and other co-accused named in the F.I.R. had committed loot from the informant.

4. Learned counsel for the appellant submits that the



appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as the main thrust of allegation is because of a trivial dispute and not because of prosecution side belonging to the SC/ST community, therefore not even a prima facie case is made out and consequently, this application for anticipatory bail is maintainable.

5.Learned counsel for the State and the informant have opposed the prayer of the appellants for grant of bail.

6.I have considered the submissions of the parties and perused the materials on record.

7.From reading of the F.I.R., it appears that the Appellant and other co-accused had committed loot from the informant.

8. Considering the aforesaid facts and and circumstances of the case, the prayer for grant of Anticipatory bail is rejected. If the Appellant surrenders before the Trial Court and makes a prayer for regular bail, the learned Court below, without being prejudiced with this order, may examine the same and pass appropriate order in accordance with law.

(Sandeep Kumar, J)

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