

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5633 of 2024

Arising out of PS. Case No.-152 Year-2024 Thana- LALGANJ District- Vaishali

Nitesh Kumar, S/o- Sri Raj Kishor Ray, Resident of Village- Sararia urf Saranthi, PS- Lalganj District- Vaishali

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Naresh Paswan, Son of Late Raghunath Paswan, Resident of Village- Kamalpur, P.S.- Lalganj , District- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Bela Singh, Advocate
For the State	:	Ms. Usha Kumari 1, Spl. PP
For the Informant	:	Ms. Kanchan Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

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

2. This appeal is preferred against the order dated 10.09.2024 passed by the learned Exclusive Special Judge, (SC/ST, Act), Vaishali at Hajipur passed in ABP No. 2187 of 2024, in connection with Lalganj P.S. Case No. 152 of 2024, registered under Sections 365, 302, 102B and 201/34 of Indian Penal Code and Sections 3(2)(v)(va) of S.C./ S.T. (POA) Act by which anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, the appellant is accused of participating in the murder of the deceased. His name has surfaced during investigation.

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 land 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 Informant as well as learned counsel for the State have vehemently opposed the prayer for bail of the appellant.

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 is accused of participating in the murder of the deceased. His name has surfaced during investigation.

8. Considering the aforesaid facts and circumstances of the case, the prayer for 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.

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(Sandeep Kumar, J)

