

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2854 of 2025

Arising Out of PS. Case No.-141 Year-2024 Thana- KATIHAR NAGAR District- Katihar

Ankit Kumar @ Ankit Gani S/o Sanjeev Kumar Gani R/o Mohalla- Rajendra
Gram, Durgasthan, P.S.- Katihar (Nagar), District- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Dinesh Paswan S/o Late Gorelal Paswan R/o Village- Driver Tola, P.S.-
Katihar Nagar, District- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Balkrishna Mishra, Advocate
For the State	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Ms. Moni Kumari, Advocate

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

ORAL ORDER

5 05-02-2026 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 17.05.2025 passed by learned District
and Additional Sessions Judge-I-cum-Special Judge SC/ST,
Katihar whereby the prayer for bail of the appellant in
connection with Katihar (Nagar) P.S. Case No. 141 of 2024
under Sections 302, 120(B)/34 of the Indian Penal Code and
Section 27 of the Arms Act was rejected.

3. Prosecution case, in short, is that, informant's son was
shot dead and one accused was caught. It is further alleged that



a conspiracy for murder was hatched by the appellant along with other co-accused persons through hired killers.

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 the appellant is known to the informant and thus, it is admitted, as per the FIR that there is no allegation of firing on the son of the informant. It is further submitted that name of the appellant has transpired in this case on the basis of confessional statement of co-accused, namely, Bhaskar Jha and the same has got no evidentiary value, wherein appellant's role has surfaced as being liner. 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 is in custody since 18.02.2025 and has got five criminal antecedents in which he is on bail.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant and submits that the allegation upon the appellant that



he participated in the murder of the deceased along with other co-accused persons. From perusal of confessional statement of co-accused persons, it appears that the appellant along with other co-accused persons conspired amongst themselves to kill the deceased. From perusal of paragraph nos. 124 and 143 of the case diary, it appears that the appellant along with others were performing as liner. All the witnesses have supported the case of prosecution. Hence, the appellant does not deserve the privilege of bail. Other co-accused has been granted bail by this Court vide order dated 03.07.2025, passed in Cr. Appeal (SJ) No. 735 of 2025. Learned counsel for the informant submits that two (2) out of four (4) prosecution witnesses have been examined in this case. Learned informant's counsel has further relied upon a decision of the Hon'ble Apex Court reported in **2024 SCC Online SC 3539 (X. vs. State of Rajasthan & Anr.)**, wherein in paragraph No.14, Hon'ble Apex Court has observed as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”



6. Considering the aforesaid facts and circumstances of the case, specific allegation as also nature and gravity of the offence and trial is at advance stage, this Court is not inclined to grant bail to the appellant at this juncture.

7. Accordingly, the appeal stands *dismissed*. The trial Court is directed to expedite the trial. However, if the trial is not concluded within a period of three months from the date of receipt/production, the appellant will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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