

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5542 of 2023

Arising Out of PS. Case No.-299 Year-2023 Thana- BIHAR District- Nalanda

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Bantan Kahar @ Jitendra Kumar SON OF LATE KAMTA PRASAD @
LATE KANTA RAM R/O WARD NO.25, BHAINSASUR, P.S.- LAHERI
(BIHAR SHARIF), DIST.- NALANDA-803101, AT PRESENT RESIDING
AT MAGADH COLONY, P.S.- SOHSARAI (BIHAR SHARIF, DIST.-
NALANDA- 803101

... .. Appellant/s

Versus

1. The State of Bihar
2. Kiran Devi Late Rajendra Ram Resident of Sadar Hospital Government
Quarter BiharShariff (Nalanda) PIN- 803101

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Anurag Pandey, Advocate
For the State	:	Mr. Sadanand Paswan, APP
For Respondent No. 2	:	Mr. Shubhesh Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-03-2026 Heard learned counsel for the appellant, learned

Spl.PP for the State and learned counsel for the

informant/Respondent No. 2.

2. This appeal has been filed for setting aside order
dated 21.11.2023, passed in a case registered for the offence
punishable under Sections 302 and 34 of the Indian Penal Code
and Sections 3(i)(r)(s)(v) and 3(2)(va) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act, whereby
the prayer for anticipatory bail of the appellant has been
rejected.



3. As per the prosecution case, informant suspects that all the F.I.R. named accused persons, including this appellant, killed her son as there was quarrel between the deceased and this appellant prior to the occurrence.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that informant is not an eye witness to the alleged occurrence and the entire accusation hinges on suspicion. During investigation, no one has claimed to have seen this appellant committing the alleged offence. Moreover, there is absolutely no allegation of abuse by caste name against this appellant and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Act is made out against this appellant. Appellant claims clean antecedents.

5. On the other hand, learned Special PP for the State and learned counsel for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellant.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellant, this appeal is allowed and the



impugned order dated 21.11.2023 passed by the Court of learned Additional District and Sessions Judge VI-cum-Special Judge, SC/ST Court, Nalanda, Bihar Sharif in connection with A.B.P. No. 1911 of 2023 arising out of Bihar P.S. Case No. 299 of 2023 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI-cum-Special Judge, SC/ST Court, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 299 of 2023.

(Prabhat Kumar Singh, J)

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