

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2208 of 2025

Arising Out of PS. Case No.-129 Year-2025 Thana- BALIYA District- Begusarai

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1. Bhushan Mahto @ Bhushan Prasad Singh S/O Kashi Mahto Resident of Village- Barbighi, P.O- Hussaina, P.S- Ballia, District- Begusarai.
 2. Suraj Kumar S/O Bhushan Mahto @ Bhushan Prasad Singh Resident of Village- Barbighi, P.O- Hussaina, P.S- Ballia, District- Begusarai.
 3. Munna Mahto @ Arun Kumar S/O Rajendra Mahto @ Rajendra Prasad Resident of Village- Barbighi, P.O- Hussaina, P.S- Ballia, District- Begusarai.
 4. Mahesh Mahto @ Mahesh Kumar S/O Umesh Mahto Resident of Village- Barbighi, P.O- Hussaina, P.S- Ballia, District- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sonu Kumar S/O Rampravesh Paswan @ Raja Ram Paswan R/O Village- Ambedkar Nagar, Ward No.-1, P.S- Ballia, Distt.- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rahul Singh, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Informant	:	Mr. Akash Kumar Mishra, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 21-11-2025 Heard learned counsel for the appellants, learned Special P.P. for the State as well as learned counsel appearing on behalf of the informant.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 19.05.2025, passed by the learned Court of Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Ballia P.S. Case No.129 of 2025, F.I.R. dated 20.04.2025 registered



under Sections 190, 126(2), 131, 115(2), 117(2), 118(2), 352, 351(2) of B.N.S., 2023, Section 27 of the Arms Act as well as Sections 3(i)(r)(s)(w) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

3. The allegations in the first information report is that the accused persons including the present appellants dragged the informant towards the school while he was going to the shop and he was abused by using the term 'Chhota Jaat' and thereafter due to intervention of people, they escaped.

4. Learned counsel for the appellants submits that there are general and omnibus allegations in the first information report and, as a matter of fact, no incident has taken place in public view as the informant was being dragged into a vehicle and, hence, the provisions of SC/ST Act would not be attracted. It is further submitted that no specific caste name has been alleged to be uttered by the appellants and, as a matter of fact, it was the informant and others who were brandishing the firearms in their hands and the appellants have taken videos and photographs which have also been brought on record. Further, there is no discussion about the injuries received by the informant and others in the bail rejection order and it is also submitted that barring Section 118(2) of the B.N.S., all the other



sections are bailable in nature and Section 27 of the Arms Act would not be made out as no one has suffered any firearm injury. It is also submitted that there is also delay of one day in lodging the first information report.

5. Learned Special P.P. and counsel for respondent no.2 vehemently oppose the grant of anticipatory bail on the basis of allegations made in the first information report as also the materials collected during the course of investigation.

6. In view of the fact that no specific utterance of any caste based abuse has been made and, if any, the same was done while pushing the informant in a vehicle, there is no public view and, hence, the provisions of SC/ST Act do not *prima facie* seem to be attracted.

7. Taking into consideration the facts and circumstances and also considering the fact that there is a delay in lodging the first information report coupled with the fact that the allegations do not disclose any serious injury having been caused to any person, let appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing each of them bail bond of Rs.10,000/- (Rs. Ten Thousand) with two sureties of the



like amount each to the satisfaction of learned Court of Exclusive Special Judge SC/ST (POA) Act, Begusarai in connection with Ballia P.S. Case No.129 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Soni Shrivastava, J)

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