

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2181 of 2025**

Arising Out of PS. Case No.-125 Year-2025 Thana- BALIYA District-
Begusarai

- =====
1. Suraj Kumar S/O Bhushan Mahto @ Bhushan Prasad Singh Resident of Village- Barbighi, P.O- Husaina, P.S- Ballia, District- Begusarai.
 2. Mahesh Mahto @ Mahesh Kumar S/O Umesh Mahto Resident of Village- Barbighi, P.O- Husaina, P.S- Ballia, District- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Badal Kumar S/O Umashankar Paswan R/O Village- Ambedkar Nagar, Ward No.-1, P.S- Ballia, Dist.- Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rahul Singh, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

7 13-02-2026 Heard learned counsel for the appellants and

learned Special Public Prosecutor appearing for the State

and also learned counsel for the respondent No2.

2. This appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 has been directed against the order
dated 19.05.2025 passed by learned Exclusive Special Judge,
SC/ST (POA) Act, Begusarai in A.B.P. No. 961 of 2025 arising
Ballia P.S. Case No. 125 of 2025 registered under Sections
115(2), 117(2), 351(3), 351(2), 352, 303(2), 3(5) of B.N.S.



and Section 27 of the Arms Act and also Section 3(i)(r)(s) (w), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, the informant, Badal Kumar alleged that on 16.01.2025 at about 2:00 A.M in night, the appellant and others opened fire with pistol in the fair with intention to create terror in the locality due to which many persons sustained injuries. It is also alleged that the accused persons were also abusing the informant and others with their caste names. It is categorically alleged that the accused persons assaulted him with the butt of pistol on his head causing him injury on the head.

4. Learned counsel for the appellants submits that the appellants are innocent and have not committed any offence. He submits that it is evident from the F.I.R, itself that the occurrence took place on 16.04.2025 whereas the F.I.R. has been lodged on 19.04.2025 after delay of three days without any plausible explanation, which itself creates doubt over the prosecution version. He further submits that the offences alleged in the F.I.R. are bailable in nature except Section 303(2) of B.N.S. which is not applicable in the



present case. There is no evidence on record to suggest that any live cartridge/empty cartridge was recovered from the place of occurrence and admittedly, none has sustained any injury. Lastly, learned counsel for the appellant submits that the informant himself is a notorious criminal of the locality and he himself is terror of the locality which is opposed by the appellants side.

5. Learned Special Public Prosecutor as well as learned counsel for respondent No.2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants.

6. Considering the entire facts and circumstances of the case and the fact that no live or empty cartridge has been recovered from the place of occurrence and the offences mentioned in the F.I.R. except Section 303(2) of the B.N.S. are bailable in nature and so far allegation with respect to Section 303(2) is concerned, they appear to be ornamental in nature and admittedly none has sustained firearm injuries, let the above named appellants in the event of their arrest/surrender within a period of six weeks be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned Exclusive Special Judge SC/ST (POA) Act, Begusarai in connection with Ballia P.S. Case No. 125 of 2025 subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the impugned order dated 19.05.2025 rejecting the prayer for grant of anticipatory bail to the appellants is, hereby, set aside.

(Praveen Kumar, J)

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