

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2662 of 2025

Arising Out of PS. Case No.-116 Year-2025 Thana- TILAUTHU District- Rohtas

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1. Jitendra Kumar S/O Late Surendra Singh R/O Vill.- Mirjapur, P.S.- Tilauthu, Dist.- Rohtas.
 2. Sonam Kumar S/O Vijay Singh R/O Vill.- Mirjapur, P.S.- Tilauthu, Dist.- Rohtas.
 3. Niket Singh S/O Late Sanjay Singh R/O Vill.- Mirjapur, P.S.- Tilauthu, Dist.- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhola Ram S/O Shiv Kumar Ram R/O Vill.- Mirjapur, P.O.- Bhadokhar, P.S.- Tilauthu, Dist.- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinay Kumar Singh, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, Special P.P.
For the Informant	:	Ms. Alka Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 30-06-2026 1. Heard learned counsel for the appellants, the learned Special P.P. Ms. Usha Kumari No.I for the State and the learned counsel appearing on behalf of the informant Ms. Alka Verma.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 06.06.2025 in connection with Tilauthu P.S. Case No.116 of 2025 passed by the learned District and Additional



Sessions Judge-17-cum-Special Court, SC/ST (POA) Act, Rohtas, registered under Sections 298, 299, 352, 350(2) and 3(5) of the BNS, 2023 and Sections 3(i)(r)(s), 3(ii)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellant no. 1 has antecedent of one case which was filed subsequent to filing of the instant appeal and appellant no. 2 and 3 are persons with clean antecedent and the informant alleges that on 24.04.2025 at 12.30 P.M. he came to know that flag hoisted on eve of birthday of Dr. Bhim Rao Ambedkar was burn, accordingly, he reached the place of occurrence along with others and saw the burnt flag and when he asked the appellants why the flag was burn, they abused him by taking caste name and said that they have burnt the flag.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eyewitness to the occurrence nor he discloses that how he came to know that who burnt the flag. It is further submitted that had the informant been an eyewitness to the occurrence then perhaps the appellants would not have been



entitled for anticipatory bail but then the informant alleges that on asking the appellants, they said that they have burnt the flag. It is thus submitted that the same is an exaggerated allegation. It is next submitted that even presuming what has been alleged is true without admitting then whether the appellants would have accepted their guilt even if they had committed the occurrence. It is next submitted that allegation of abuse also is general and omnibus in nature as it does not appear probable that all accused in one go would have abused the informant by caste name.

5. Learned counsel appearing on behalf of the appellants next submits that appellants were given notice under Section 35(3) BNSS and they cooperated with the police during the course of investigation and the police never felt the need of arresting the appellants but then charge sheet came to be submitted, based on which, cognizance has been taken, hence appellants apprehend arrest since offence under the SC/ST is a non-bailable offence.

6. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the informant opposes the appeal but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that informant is not an eyewitness to the occurrence nor he



discloses that how he came to know that it were the appellants, who had burnt the flag.

7. After hearing the learned counsel for the parties, the Court was inclined to grant the privilege of anticipatory bail to the appellants but since cognizance has been taken as such the appeal is disposed of with a direction to the appellants to surrender before the learned trial court on 16.07.2026, in the event, if the appellants surrender before the learned trial court on 16.07.2026, the learned trial court shall consider and dispose of the case on the same day, keeping in mind that observations of this Court, as recorded hereinabove.

8. Accordingly, the appeal stands disposed of with aforesaid observations.

(Satyavrat Verma, J)

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