

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3503 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- SC/ST District- Rohtas

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Mahesh Singh @ Mahesh Kumar S/O Late Jagarnath Singh R/O Vill.- Karup,
P.S.- Sheosagar, Dist.- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Arun Kumar Baitha S/O late Ram Bhajan Ram R/O Vill.- Karup, P.S.-
Sheosagar, P.O.- Malwar, Dist.- Rohtas.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajesh Kumar Singh

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

For the Respondent 2 : Mr. Surendra Kumar Singh

Ms. Sudha Chandra

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-04-2026 1. Heard the parties.

2. This appeal has been filed by the appellant being dissatisfied by the order dated 23.07.2025 by which the anticipatory bail of the appellant has been rejected in connection with SC/ST P.S. Case No. 09/2025 registered for the offence under Section 126 (2), 115 (2) 352, 351 (2), 3 (5) of BNS, 2023 and Section 3 (1) (r), 3(1) (s), 3 (2) (va) of the SC and ST Act passed by the learned Additional District and Session Judge 17-cum- Special Judge SC/ST Act Rohtas at Sasaram.

3. As per the first information report on 19.01.2025 the son



of the informant was playing football in the evening, in the meanwhile, he was called on phone near B.Ed. College. The informant's son reached near B.Ed. College at 7:00 P.M. after finishing his game and saw the appellant and other accused persons standing there and they started abusing him by his caste name and when objected, they assaulted by fists and iron buckle of the belt. The allegation against the appellant is that he caught hold the informant's son.

4. Learned counsel for the appellant submits that the occurrence has taken place on 19.01.2025 but after delay of seven days F.I.R. has been lodged on 27.01.2025. The occurrence has taken place while children were playing football and there is no application of SC / ST Act inasmuch the allegation of calling by caste name is not in full public view and further the abuse was not to demean or humiliate the members of the community. No specific overt act has been alleged against the appellant and the only allegation is that he caught hold the informant's son and ordered to kill him.

5. On the other hand, Mr. Surendra Kumar Singh, learned counsel for the respondent no.2 (informant) vehemently opposed the prayer for anticipatory bail and submits that not only the appellant is named in the first information report but he also



played a vital role in the commission of the offence. He further submits that the informant's son has sustained injury which is simple in nature.

6. Regard being had to the submission made by the parties, taking into consideration the the fact that occurrence has taken place in the game of football, there is no specific allegation against the appellant of abusing the informant's son by calling his caste name in order to humiliate or demean his status, both the parties are co-villagers and the injury is simple in nature, accordingly, I am inclined to grant anticipatory bail to the appellant.

7. Accordingly, the order dated 23.07.2025 passed in connection with SC/ST P.S. Case No. 09/2025 is hereby set aside. The appeal is allowed.

8. Let the appellant, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 17-cum-Special Judge SC / ST Act Rohtas at Sasaram in connection with SC/ ST P.S. Case No. 09 / 2025 subject to the condition as laid down under Section



482 (2) of the B.N.S.S.

(Anil Kumar Sinha, J)

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