

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.923 of 2026

Arising Out of PS. Case No.-394 Year-2025 Thana- SASARAM MUFFSIL District- Rohtas

Santosh Yadav @ Santosh Kumar S/o Late Naresh Yadav R/o Village-
Bahrad, PS- Sasaram Muffasil, Dist- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Savita Devi W/o Om Prakash Paswan R/o vill - Bahrad, P.S- Sasaram
(Muffasil), Distt- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Babu Nandan Prasad, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, SplPP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 17-07-2026

Heard learned counsel for the appellant and learned
Spl.PP for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against order dated 05.02.2026 passed by the learned court of Special Court Scheduled Caste/Scheduled Tribes (POA) Act, 1989, Sasaram, Rohtas whereby and whereunder the prayer for grant of anticipatory bail of the appellant was rejected in connection with Sasaram (Muffasil) P.S. Case No. 394 of 2025, registered for the alleged offences under Sections 115(2), 303(2), 74, 324(4), 3(5) of the BNS and Sections 3(1)(r)(s) and (2) (va) of the Scheduled Castes and Scheduled Tribes (POA) Act.



3. As per the prosecution case, in the absence of husband of the informant, the appellant assaulted her with butt of his gun and tried to forcibly take her away to commit rape with her. The small children of the informant were also assaulted.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The FIR has been lodged after delay of three days. The injuries of the informant has been found to be simple though the informant claims that she called the police on 112 but lodging of the FIR after three days without satisfactory explanation for the circumstances shows the falsity of such averment. In the whole FIR there is no material to show that the informant was humiliated on account of her caste and in these facts and circumstances no offences is made out under the provisions of Scheduled Castes and Scheduled Tribes (POA) Act. Appellant is having antecedent of two cases and he is on bail in both the cases.

5. Learned Spl.PP opposes the submission made on behalf of the learned counsel for the appellant. Learned Spl. PP submits that the appellant is in most grudging manner forcibly entered into the house of the informant breaking the lock and tried to take her away for committing sexual assault.

6. In the light of allegation made against the appellant, I do not think it is a fit case for grant of anticipatory bail to the



appellant. Hence, the prayer for grant of anticipatory bail of the
appellant is rejected.

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	NAFR
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