

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.952 of 2026

Arising Out of PS. Case No.-341 Year-2025 Thana- LADANIA District- Madhubani

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Dharam Sah @ Dharmnath Sah son of Hanuman Datt @ Bhagwan Datt Sah
@ Hanumandat Sah Resident of Village- Godam tol, P.S.- Ladaniya, District-
Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. XXX Son of YYY Resident Of Village- Mahtha Novtoli, Ward No. 07, Ps-
Ladaniya, Dist- Madhubani

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shailendra Kumar Jha
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-05-2026 1. Heard learned counsel for the appellant and learned
Spl. P.P. for the State, Sri Binay Krishna.

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 13-2-2026 in A.B.P. No. 246 of 2026 passed by the
learned Additional Sessions Judge-VI-cum-Special Judge,
(POCSO Act), Madhubani, in connection with Ladaniya P.S.
Case No. 341 of 2025 registered for the offences punishable
under Sections 333, 76 and 3(5) of the BNS as well as Sections
8 and 12 of POCSO Act Sections 3(i)(r)(wi) and 3(2) of the



SC/ST Act.

3. Learned counsel for the appellant submits that appellants is a person with clean antecedent and is a woman and the informant alleges that on 28-9-2025 the female members of the house had gone to see a programme, while he along with his minor daughter was sleeping in different room, when a boy came and acted inappropriately with his daughter and left the house when neighbours saw and the boy was apprehended and he disclosed his name as Shivam and also disclosed that he had come with the appellant, who after leaving him, left.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case by the informant. It is next submitted that even presuming what has been alleged is true without admitting then no offence under the SC/ST Act or POCSO Act is made out in the nature of the allegations as alleged. It is further submitted that the informant alleges that Shivam had entered his house and acted inappropriately with his daughter and while leaving he was caught by the neighbours and he disclosed that appellant had dropped him at the place of occurrence. It is also submitted that since Shivam had requested the appellant to drop him at the place of occurrence as such he dropped him without even being



aware as to why Shivam wanted to go to the house of the informant. It is next submitted that informant does not allege that appellant brought Shivam to his house intentionally. It is thus submitted that notice is not required.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant but then in the nature of allegation as alleged in the FIR is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant.

6. Considering the aforesaid facts, let the appellant above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

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

(Satyavrat Verma, J)

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