

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1043 of 2026

Arising Out of PS. Case No.-62 Year-2025 Thana- SC/ST District- Rohtas

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1. Antu Kumar Son of Moti Sah Resident of Village -Kanchanpur, PS -Dhaudad, Dist- Rohtas
 2. Ram Pravesh Sah Son of Sheo Kumar Sah Resident of Village -Kanchanpur, PS -Dhaudad, Dist- Rohtas
 3. Tinku Sah Son of Moti Sah Resident of Village -Kanchanpur, PS -Dhaudad, Dist- Rohtas
 4. Jayvant Kumar @ Jayant Kumar Son of Hiralal Sah Resident of Village -Kanchanpur, PS -Dhaudad, Dist- Rohtas
 5. Manu Sah @ Manu Kumar Son of Chhotelal Sah Resident of Village -Kanchanpur, PS -Dhaudad, Dist- Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Saraswati Kumari Daughter of Sanjay Paswan Resident of Village -Kanchanpur, PS -Dhaudad, Dist- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajani Kant Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Advocate
For the Resp. No. 2	:	Mr. Siddharth Harsh, Advocate
		Ms. Nandani Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-07-2026 Heard Mr. Rajani Kant Singh, learned Advocate for the appellants and the learned Advocate for the State. Respondent No. 2 is represented through her lawyer Ms. Nandani Kumari.

2. The appellants by invoking the provisions of Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are challenging the order dated 24.02.2026 passed by the learned Special Court, SC/ST



Rohtas at Sasaram in Dehri SC/ST P.S. Case no. 62 of 2025 instituted under Sections 126(2), 115(2), 74, 352, 351(2), 3(5) of the BNS and 3(1)(r),3(1)(s), 3(1)(w)(i), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for pre arrest bail of the appellants has been rejected.

3. The prosecution case as alleged in the FIR reveals that while the informant along with her two brothers were going on to bring some house hold articles, in the meanwhile, the appellants surrounded them and started abusing by calling their caste name and when she made the protest, they assaulted the informant and torn her clothes, besides there is allegation of misbehavior.

4. Learned Advocate for the appellants submits that since in both the families there was an animosity on account of inter caste marriage of the informant's sister namely, Deepawali Kumari with the full brother of appellant no. 5 against their will and as the informant and her family members were keeping grudge against the appellants, they instituted the present FIR in order to teach them a lesson. It is further submitted that the mother of the informant had also filed Dehri SC/ST Case No. 26 of 2023, giving rise to POCSO Case No. 98 of 2024 against



them, and this fact also suggest about the previous animosity between the parties. Moreover, the alleged occurrence took place in the noon of 20.11.2025 and the present FIR came to be instituted on 27.11.2025. It has also not been disclosed that the alleged occurrence of abusing the informant has taken place in presence of any independent persons.

5. On the other hand, learned Advocate for the State as well as learned Advocate for respondent no.2 vehemently opposed the bail application and submit that primarily in view of Section 18 of the SC/ST Act, the anticipatory bail is not maintainable. Moreover, there is specific accusation that the appellants were indulged in abusing and intimidating the informant by taking her caste name and the animosity between the parties is a two-edged sword, which cuts both the sides and this may be a reason for causing harassment to the informant.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the factum of previous animosity between the parties, which has not been disclosed by the informant, besides there is inordinate delay in lodging of the FIR and there is no whisper as to whether such incidence has taken place in public view, let the above named appellants, be released on bail, in the event of



their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Court, SC/ST Rohtas at Sasaram in connection with Dehri SC/ST P.S. Case No. 62 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the appellants.

7. In view thereof, the impugned order dated 24.02.2026 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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