

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3780 of 2025

Arising Out of PS. Case No.-350 Year-2025 Thana- GORAUL District- Vaishali

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1. Gajadhar Sah @ Gaja Sah S/o Janak Sah Resident of village- Rasulpur Kori Gaon, PS- Goroul, Dist- Vaishali
 2. Ram Ji Sah S/o Parikshan Sah Resident of village- Rasulpur Kori Gaon, PS- Goroul, Dist- Vaishali
 3. Krishna Mohan Sah @ Lakshaman Sah S/o Bilas Sah Resident of village- Rasulpur Kori Gaon, PS- Goroul, Dist- Vaishali
 4. Ashok Sah S/o Janak Sah Resident of village- Rasulpur Kori Gaon, PS- Goroul, Dist- Vaishali
 5. Pankaj Kumar S/o Ashok Sah Resident of village- Rasulpur Kori Gaon, PS- Goroul, Dist- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Savita Devi W/o Shiv Kumar Paswan R/o vill - Rasulpur Korigaon, P.S. - Goroul, Distt.- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Subhash Kumar, Adv
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. PP
		Ms. Bela Singh, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 05-05-2026 **1.** Heard learned counsel for the appellants, learned Spl. P.P. for the State, Sri Sadanand Pawan, and the learned counsel appearing on behalf of the informant.

2. The appellants have preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short ‘the Act’) against the order dated 19.08.2025 passed by the learned Exclusive Special Judge (SC/ST) Act, Vaishali at Hajipur /concerned Court, where the case is pending in connection with Goroul P.S. Case No. 350 of 2025 registered under Sections 191(2), 191(3), 126(2), 115(2), 118(1), 74,



303(4), 324(4), 351(2) 352(2) of BNS and Sections 3(i)(r)(s) of SC/ST (POA) Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent, on which the learned counsel appearing on behalf of the informant submits that appellants have not approached the court with clean hand, it is next submitted that appellant nos. 1, 3, 4 and 5 have antecedent of two cases being SC/ST PS Case No. 48 of 2025 and Goroul PS Case No. 46 of 2021.

4. Learned counsel for the appellants submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that accused persons including the appellants entered his house and abused by taking caste name.

5. Learned counsel for the appellants submits that from perusal of the allegation as alleged in the FIR, it would manifest that in the nature of allegation prima facie no offence under the SC/ST Act is made out and the informant alleges that the occurrence was committed at his house, thus was not in public view. It is next submitted that similarly situated co-accused Amod and three others had approached this Court seeking anticipatory bail by filing Cr. Appeal (SJ) No. 3775 of 2025 and the same came to be allowed by an order dated 23-2-2026 passed by a learned Co-ordinate Bench.

6. Learned Spl. P.P. for the State and learned counsel appearing on behalf of the informant are not in a position to rebut the said submission of the learned counsel appearing on behalf of the



appellants. Learned counsel appearing on behalf of the informant reiterates and submits that appellant nos. 1, 3, 4 and 5 have not approached the court with clean hands.

7. After hearing the learned counsel for the parties, the impugned order is set aside and the appeal stands allowed with a condition that the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each 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.

8. Thereafter the learned Trial Court shall verify the criminal antecedent of the appellants and in the event if it is found that any of the appellants has antecedent of even one case, in that event, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that appellants are persons with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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