

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4827 of 2024

Arising Out of PS. Case No.-319 Year-2023 Thana- MIRGANJ District- Gopalganj

Pradeep Shah @ Pradeep Sah Son of Hirdaya Sah @ Hirdaya Sah Village-
Kheman Tola, P.S.- Mirganj, District- Gopalganj

... .. Appellant

Versus

1. The State of Bihar
2. Heeralal Sah Son of Gokhula Sah Village- Kheman Tola, P.S.- Mirganj,
District- Gopalganj

... .. Respondents

Appearance :

For the Appellant : Mr. Javed Aslam, Advocate
For the Respondent-State: Mrs. Usha Kumari 1, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 12-02-2026 Heard learned counsel for the appellant and learned
Special Public Prosecutor appearing for the State.

2. This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 08.05.2024 passed by learned XI Additional Sessions Judge-cum- Exclusive Special Judge SC/ST Act, Gopalganj, in A.B.P. No. 2170 of 2024 in connection with Mirganj P.S. Case No. 319 of 2023, registered under Sections 341, 323, 324, 307, 354B, 504, 506, 34 of the IPC read with Section 3(i)(r)(s)(w) of Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellant has been rejected.



3. As per the prosecution case, the informant, namely, Nitish Kumar, alleged that on 13.08.2023, after the delivery of possession was effected by the Advocate Commissioner, at 04:00 PM, the appellant along with other accused persons armed with rod, iron pipe and *khanti*, came on the spot and started uprooting the flags fixed by the Advocate Commissioner and on protest the appellant and other accused persons started abusing the informant by taking his caste name and threatened that he will not be allowed to live there despite the decree in his favour and will be killed. Accused persons assaulted his uncle and other family members causing them injuries. On arrival of the villagers their lives were saved.

4. Learned counsel appearing for the appellant submits that the appellant bears clean antecedent and general and omnibus allegation has been levelled against all the accused persons including this appellant. No injury report has been brought on record to substantiate the alleged injuries. As regards allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, it is not committed in a public place nor any person has been named to be present at the place of occurrence when the alleged offence of abuse was being committed. He further submits that no case, as alleged in the



F.I.R, attracting rigours of SC & ST Act is made out against the appellant. Moreover, the co-accused, namely, Hridya Shah @ Hridya Sah, Vidya Shah @ Vidya Sah, Anup Shah @ Anup Kumar Sah @ Anup Sah, Rahul Shah @ Rahul Kumar Sah, Sita Devi, Ghurail Devi & Tetari Devi and Rohit Kumar Sah @ Rohit Sah have already been granted the benefit of anticipatory bail by co-ordinate Benches of this Court in Cr. Appeal (S.J.) Nos. 4832 of 2023 and 359 of 2024 vide orders dated 17.06.2025 and 31.07.2025 respectively and the case of the appellant is similar to that of the aforesaid co-accused. Hence, the impugned order may be set aside and the appellant may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor as well as learned counsel for the respondent No.2 have vehemently opposed the prayer for grant of anticipatory bail to the appellant and submitted that appellant has actively participated in the present occurrence.

6. Considering the entire facts and circumstances of the case and also the fact that the appellant bears clean antecedent coupled with the fact that the co-accused persons, having more or less similar allegation, has already been granted the privilege of anticipatory bail by the co-ordinate Bench of



this Court, let the above named appellant in the event of his arrest/surrender within a period of six weeks be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned XI Additional Sessions Judge-cum- Exclusive Special Judge SC/ST Act, Gopalganj, in connection with Mirganj P.S. Case No. 319 of 2023 subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C..

7. Accordingly, this appeal is allowed and the impugned order dated 19.09.2024 rejecting the prayer for grant of anticipatory bail to the appellant is, hereby, set aside.

(Praveen Kumar, J)

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