

IN THE COURT OF SPECIAL JUDGE, EXCLUSIVE SPECIAL COURT [SC/ST ACT]

Civil Court, Bhagalpur, Bihar

Present: Sri Amit Kumar Singh

ABP No. 780 of 2026

CNR No. BRBG01-0003720-2026

Jainarayan Sah vs. The State of Bihar

ORDER

Date: 25/05/2026

1. The petitioner **Jainarayan Sah** has filed this petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking anticipatory bail in connection with Amdanda PS Case No. 22/2026, registered for offences punishable under Section 64 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 3(1)(r)(s) of Prevention of SC/ST Acts.
2. Heard Sri Sony Jha, learned Counsel for the petitioner, Sri Ramesh Chaudhary the learned Special Public Prosecutor (SC/ST Act) for the State, and the informant herself.
3. Case of the prosecution as per informant Surudhani Murmu, in brief, is that on 21.03.2026 at around 12:30 PM, she was doing household chores inside her house. One Jainarayan Sah came near her house. After stopping there for about 5 to 7 minutes, he established wrongful/illicit physical relations with her against her will. Hence the FIR was lodged.
4. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated. It was urged that the petitioner has not previously moved any bail petition of this nature either before this Court or any superior Court. He has no criminal antecedent. The learned counsel for the petitioner submitted that the petitioner is completely innocent and has been falsely implicated due to an underlying civil land dispute. It is contended that the informant's husband executed a registered sale deed on 06.02.2025 for a plot measuring 27 decimals after receiving consideration, and subsequently took an advance of ₹50,000 for another transaction. When the title documents were not provided on 21.03.2026, a dispute arose, prompting the informant to fabricate the allegations of sexual assault. The petitioner

argues that no *prima facie* case under the SC/ST Act is made out. On these grounds, the learned counsel prayed that the petitioner deserves to be enlarged on anticipatory bail.

5. The learned Special Public Prosecutor strongly opposes the bail application. More importantly, the State objects to the very maintainability of this anticipatory bail application owing to the statutory bar imposed under the SC/ST Act.
6. Having considered the rival submissions and perused the materials on record, it is evident that the informant who belongs to the Scheduled Tribe community made direct allegation against the petitioner, attracting the provisions of Sections 3(1)(r) and 3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989. The statutory bar under Section 18 of the said Act prohibits grant of anticipatory bail where there is accusation of having committed an offence under this Act. In the present case, the allegations in the FIR specifically disclose commission of offences under IPC as well as the SC/ST Act. At this stage, this Court cannot enter into a roving inquiry to test the veracity of such allegations. The plea of false implication and *mala fide* intention, as urged by the petitioner, are matters to be examined during trial and cannot be a ground to override the statutory bar.
7. In view of the aforesaid discussion and the clear bar under Section 18 of the SC/ST (Prevention of Atrocities) Act, 1989, this Court finds no merit in the present petition. Accordingly, the prayer for anticipatory bail stands rejected as not maintainable.
8. The instant bail petition is disposed of accordingly.

Dictated
Sd/-
Special Judge
Exclusive Special Court (SC/ST Act)
Bhagalpur, Bihar

Date of Order	25.05.2026
Date of Reserving Order	N/A
Uploading Date	25.05.2026
Uploaded by	Deposition Writer