

In the Court of the District & Addl. Sessions Judge I-cum-Spl. Judge (S.C./S.T. (POA) Act), Sitamarhi.

S.C./S.T. A.B.P.No.24/2026

Upendra Shah @ Upendra Prasad Azad and othersPetitioner.

Versus

State of Bihar O.P.

O R D E R

18.07.2026

1. The anticipatory bail petition, filed on behalf of the petitioner **1 Sushila Devi, 2. Pappu Prasad @ Shashi Bhushan Prasad Sinha, 3. Ratan Paswan, 4. Chandrkala Devi**, who apprehend their arrest in connection with Riga P.S. Case No. 195/2026, registered U/Sections 115(2), 126(2), 303(2), 74, 351(2), 352, 3(5) of the BNS and Sections 3(1)(d) and 3(1)(b) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The anticipatory bail application on behalf of the petitioner has been taken up for hearing.

2. As per the prosecution case, the occurrence took place over a dispute relating to a goat. It is alleged that applicant no. 2 initially assaulted the daughter of the informant and thereafter all the named accused persons assaulted the informant and her husband. The informant's husband allegedly sustained grievous head injuries and was assaulted with lathis with an intention to kill. It is further alleged that the accused persons abused the informant, snatched her mangalsutra and threatened to kill her. The FIR also contains allegations attracting the provisions of the SC/ST (Prevention of Atrocities) Act.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated. It is argued that the present case is a counter blast to Riga P.S. Case No. 196/2026 instituted by the side of the applicants regarding the same occurrence. It is further submitted that the allegations are false, omnibus in nature and that the provisions of the SC/ST Act are not attracted. It has also been submitted that applicants have no criminal antecedent.

4. On the other hand, learned Special Public Prosecutor and learned counsel for the informant have opposed the prayer and submitted that the FIR contains specific allegations of assault causing grievous injuries and offences under the SC/ST Act. They further submit that the allegations disclose a prima facie offence under the provisions of the SC/ST Act and, therefore, the bar contained under Section 18A of the Act squarely applies.

5. Having considered the submissions of the parties and on perusal of the FIR and the materials available on record, this Court finds that the allegations in the FIR disclose specific accusations against the applicants and offences punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act have been specifically alleged. At this stage, this Court is not required to undertake a meticulous appreciation of the defence case or the plea of counter case. The existence of a counter case by itself is not sufficient to ignore the specific allegations made in the present FIR. In view of the prima facie allegations attracting the provisions of the SC/ST (Prevention of Atrocities) Act, the statutory embargo created under Section 18A of the SC/ST Act operates against the

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grant anticipatory bail. Consequently, the present application for anticipatory bail is not maintainable.

6. However, it is brought to the notice of this Court that applicant no. **1, Sushila Devi, and applicant no. 3, Ratan Paswan**, have already been granted anticipatory bail by this Court vide order dated 15.06.2026 in connection with the present case due to fact of this belonged to SC/ST Community. Therefore, no further order is required to be passed in respect of the said applicants.

7. Accordingly, the present anticipatory bail application, so far as it relates to applicant no. 2, Pappu Prasad @ Shashi Bhushan Prasad Sinha, and applicant no. 4 Chandrkala Devi, is held to be not maintainable in view of the bar contained under Section 18A of the SC/ST (Prevention of Atrocities) Act and is, therefore, not maintainable. The applicant is, however, at liberty to surrender before the court concerned and seek regular bail, which shall be considered on its own merits, in accordance with law, without being prejudiced by the present order

(Dictated & corrected)

Sd/-

(Rajiv Kumar),

Spl.Judge S.C./S.T.(POA) Act-cum-

District & Addl.Sessions Judge I,

Sitamarhi.

18.07.2026.