

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.37/2026

Subodh Das & Ors..... Petitioners.

Versus

State of Bihar O.P.

O R D E R

09.07.2026.

1. The anticipatory bail petition, filed on behalf of the petitioners **1. Subodh Das, 2. Pramod Das 3. Umesh Das 4. Naresh Das 5. Vivek Das** who apprehends their arrest in connection with Bokhara P.S. Case No. 161 of 2026, registered under Sections 109, 61, 351(2) of the B.N.S., Section 27 of the Arms Act and Sections 3(1)(s), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.. The anticipatory bail application on behalf of the petitioner has been taken up for hearing. Heard learned counsel for the petitioner, learned Special Public Prosecutor for the State and perused the materials available on record.

2. As per the prosecution case, the fardbeyan of the injured informant was recorded in the ICU of Nandipat Memorial Hospital. It is alleged that the informant had solemnized a love marriage with Sunita Kumari, daughter of Shivchandra Das, against the wishes of her family members. Owing to the said marriage, the accused persons were nursing animosity against the informant and had repeatedly threatened to eliminate him. It is further alleged that on the date of occurrence, while the informant was proceeding on his bicycle, all the accused persons, pursuant to a pre-planned conspiracy, ambushed him, one of them fired upon him causing a gunshot injury on his back, and thereafter all of them fled away. It is further alleged that the accused persons intentionally abused and threatened the informant by referring to his caste and attempted to murder him on account of his being a member of the Scheduled Caste community.

3. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated due to previous enmity arising out of the love marriage between the informant and the daughter of petitioner Shivchandra Das. It is submitted that an earlier case, namely Nanpur P.S. Case No. 663 of 2024, had already been instituted by the petitioners' side regarding the alleged abduction of Sunita Kumari by the informant and his family members and the present case is merely a counterblast intended to exert pressure. It is further argued that the allegations are omnibus in nature, no specific overt act has been attributed to each petitioner, most of the petitioners have clean antecedents, and therefore they deserve the privilege of anticipatory bail.

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4. On the other hand, learned Special Public Prosecutor and learned counsel for the informant vehemently oppose the prayer. It is submitted that the injured informant has specifically named the petitioners in his fardbeyan recorded in the hospital immediately after the occurrence. The allegations disclose an attempt on the life of the informant by use of firearm and also prima facie attract the provisions of Sections 3(1)(s) and 3(2)(v) of the SC/ST (Prevention of Atrocities) Act. It is, therefore, contended that in view of the statutory embargo contained in Section 18 and Section 18A of the SC/ST Act, the present application for anticipatory bail is not maintainable.

5. I have considered the rival submissions and perused the materials available on record. The allegations in the FIR disclose that the informant, who belongs to a Scheduled Caste, sustained firearm injury and has specifically alleged that the petitioners, owing to previous enmity arising out of his marriage with the daughter of one of the accused, attempted to kill him and also intentionally insulted and abused him by taking the name of his caste. At this stage, the Court is only required to examine whether a prima facie case under the provisions of the SC/ST Act is made out. The truthfulness or otherwise of the allegations and the defence set up by the petitioners are matters for investigation and trial and cannot be adjudicated in a proceeding under Section 438 Cr.P.C./Section 482 BNSS.

6. Though it has been argued that the allegations are omnibus and that there exists a previous case between the parties, such submissions do not dilute the statutory bar where the FIR, on its face, discloses commission of offences under the provisions of the SC/ST Act. Once a prima facie case under the Act is disclosed, the embargo under Section 18 read with Section 18A of the SC/ST (Prevention of Atrocities) Act comes into operation and an application for **anticipatory bail is not maintainable** with an observation the petitioners shall be at liberty to surrender before the competent court and seek regular bail.

(Dictated & corrected)

Sd/-

(Rajiv Kumar),

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

District & Addl.Sessions Judge I,

Sitamarhi.

18.07.2026.