IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J) No.202 of 2026

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1. Anil Choudhary @ Anil Kumar Choudhary, aged about 28 years, S/o Bishundhari Choudhary @ Bishundhari Chaudhary
2. Jawahir Choudhary, aged about 38 years, S/o Rajendra Choudhary
Both resident of Village Barawan, Tola, Barwahi, P.O. Harinamad, P.S. Chainpur, District Palamau, Jharkhand **…. …. Appellant(s)**

-Versus-

1. The State of Jharkhand
2. Chhathan Bhuiyan, S/o Late Badri Bhuiyan, resident of Village Barawan, Tola Pav Phadi, P.O. Harinamad, P.S. Chainpur, District Palamau, Jharkhand **…. …. Respondent(s)**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Anand Kr. Pandey, Adv.
For the State : Mrs. Amrita Kumari, A.P.P
For the Respondent No.2 : Mr. Manjeet Kr. Chaudhary, Amicus Curiae.

05/Dated: 21st July, 2026

1. The present appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard learned counsel for the appellants, learned counsel for the State and the learned Amicus for the respondent No.2/victim.

3. Although Section 18 of the SC/ST (PoA) Act bars the grant of anticipatory bail, such bar would not apply in case where no *prima facie* offence under the Act is made out.

4. The present appeal has been filed against the order dated 19.01.2026 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (PoA), Palamau, in M.C.A No.97 of 2026 in connection with SC/ST P.S. Case No.07 of 2022, registered for the offence under Sections 147, 148, 149, 341, 323, 325, 354, 427, 452, 504 & 506 of the IPC and Section 3(1)(r)(s)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act whereby, the prayer for grant of anticipatory bail of the appellants have been rejected. The case is presently pending in the Court of learned J.M.F.C, Palamau at Daltonganj.

5. It has been submitted by the learned counsel for the appellants that it is not a caste based crime rather they have gone to receive '*Prasad'* but the same

has been denied as because they did not belong to the community who has performed the *Puja*. In that process, scuffle has taken place as per the allegation and as such, no offence under SC/ST (PoA) Act is made out. On the above basis, prayer for anticipatory bail has been made.

6. Learned counsel for the State and the learned amicus for the respondent No.2 have opposed the prayer for anticipatory bail, submitting that he has been abused and assaulted by taking his caste name and as such, offence under SC/ST (PoA) is made out.

7. Having heard the learned counsel for the parties and from perusal of the records, it appears that the accused had gone to receive *Prasad* which prima facie suggests otherwise.

8. In that view of the matter, I am inclined to grant anticipatory bail to the appellants. Accordingly, the appellants, named above, are directed to surrender in the trial court within four weeks from the date of receipt/production of a copy of this order, and in the event of their arrest or surrender, they shall be enlarged on anticipatory bail, on their furnishing bail bond of Rs.10,000/- (*Rs. Ten Thousand*) each with two sureties of the like amount each, to the satisfaction of learned J.M.F.C, Palamau at Daltonganj in connection with SC/ST P.S. Case No.07 of 2022, on the conditions as laid down under Section ***482 of the B.N.S.S., 2023***. Further, the appellant(s) will submit self-attested photocopy of his/her/their Aadhaar Card(s) and also submit his/her/their mobile number(s) before the learned trial court which he/she/they will always keep active and will not change it without prior permission of the court, till conclusion of the case.

9. In the result, the present criminal appeal stands allowed and accordingly, disposed of.

10. The assistance given by Mr. Manjeet Kr. Chaudhary, learned Amicus Curiae, is highly appreciable.

11. Let this order be communicated to the learned Member Secretary, JHALSA, Ranchi, for the purpose of remuneration to be paid to the learned Amicus Curiae as permissible.

(Rajesh Kumar, J.)

Dated: 21st July, 2026
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