IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (S.J) No.829 of 2026

Shankar Mandal, Age about 43 years, S/o Tulsi Mandal @ Tulsi, R/o Village Aurwatanda, P.O. Mandramo, P.S. Suriya, District Giridih, State Jharkhand ….. **Appellant.**

Versus

1. The State of Jharkhand
2. Victim ..... **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant(s) : Mr. Ranjan Kumar, Advocate
For the State : Mrs. Anuradha Sahay, APP

Order No.02/ Dated: 14th September, 2026

1. Heard learned counsel for the appellant and learned APP for the State.

2. Since this criminal appeal is not maintainable, no notice is required to be issued upon the respondent No.2/victim.

3. The present appeal has been filed under Section 14(A)(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, for grant of anticipatory bail though the same bars under Section 18 of the SC/ST (POA) Act.

The present appeal has been filed against the order dated 16.10.2025, passed by the court of learned Additional Sessions Judge-1-cum-Special Judge, SC/ST (PoA), Giridih in A.B.P No.1755 of 2025, whereby the prayer for grant of anticipatory bail to the appellant has been rejected in connection with Sariya P.S. Case No.132 of 2025, registered for the offence under Sections 329(3), 126(2), 115(2), 118(1), 109(1), 76, 351(2), 352, 3(5) of the B.N.S., 2023 and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. It has been submitted by the learned counsel for the appellant that since the parties were not known to each other, as such, no offence under the SC/ST Act is made out. On that basis, prayer for anticipatory bail has been made.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail and submitted that this is a perfect case where offence

under the SC/ST Act should be invoked as protected members had been ousted from the land and seriously assaulted with deadly weapons. Reference has been made of Sections 3(2)(v) and 8(c) of the SC/ ST (POA) Act has also made, which are quoted herein below :-

> ***" 3. Punishment for offences of atrocities.—***
> *(1). ……..*
> ***(2) (v)** commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine;."*
> ***(2) (va)** commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Castes or a Scheduled Tribes or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to fine;"*
> ***8. Presumption as to offences.— In a prosecution for an offence under this Chapter, if it is proved that—***
> *(a) …….*
> *(b) …….*
> ***(c)** the accused was having personal knowledge of the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved."*

6. It has been submitted that whenever offence having ten years of punishment is committed and the parties are known to each other, then the SC/ ST (PoA) Act gets attracted and once the SC/ ST (PoA) Act gets attracted, Section 18 of the said Act gets activated and in such a scenario, prayer for grant of anticipatory bail cannot be allowed.

7. Having heard the learned counsel for the parties and from perusal of record, it appears that the offence under the SC/ST Act is made out and, as such, Section 18 of the Act gets activated. In that view of the matter, I am not inclined to consider the prayer of anticipatory bail to the appellant.

8. In the result, the appeal is, hereby, rejected and accordingly disposed of.

9. No order is required to pass in I.A. No.11546 of 2026 i.e. limitation matter, accordingly, the same is, hereby, disposed of.

(Rajesh Kumar, J.)

14th September, 2026
Madhav/-
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