IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.853 of 2026

---

1. Chandan Modi @ Chandan Kumar, aged about 29 years, son of Prakash Modi
2. Prakash Modi, aged about 57 years, son of Late Wazir Modi
3. Arti Devi, aged about 52 years, W/o Prakash Modi
   All are resident of Village P.O. & P.S. Barkatha, District Hazaribag

….. Appellants.

Versus

1. The State of Jharkhand
2. Mina Devi, W/o Kishore Das, r/o P.O. + P.S. Barkathha, Hazaribagh, Jharkhand

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant(s) : Mr. Anil Kumar, Sr. Advocate
: Ms. Chandana Kumari, Advocate
Mr. Atul Gera, Advocate
Mr. Prabhat Kumar Singh, Advocate
For the State : Mr. Manoj Kumar Mishra, APP

Order No.02/ Dated: 7th September, 2026

1. Heard learned senior counsel for the appellants and learned APP for the State.

2. The present appeal has been filed under Section 14-A(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 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 25.06.2026, passed by the court of learned Additional Sessions Judge-I-cum-Special Judge, Hazaribagh, in A.B.P No.860 of 2026, whereby the prayer for grant of anticipatory bail to the appellants has been rejected in connection with Barkatha P.S. Case No.169 of 2025, registered for the offence under Sections 126(2), 115(2), 352/ 3(5) of the B.N.S. and Sections 3(i)(r) and 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Now the case is pending before the learned Special Judge, SC/ST Act Cases,

Hazaribag.

3. It has been submitted by the learned senior counsel for the appellant that Section 18 of the SC/ST Act is maintainable if no objection under the SC/ST Act is made out. In the present case, there is complaint for abusement, which is general and omnibus in nature. Further, there is no caste consideration, as such, no offence under the SC/ST Act is made out. So far as scheduled offence under Section 3(v)(a) of the SC/ST Act is concerned, the parties are not known to each other and, as such, the presumption of Section 8(C) of the SC/ST Act will not get attracted. Thus, bar of Section 18 of the SC/ST Act will not get attracted in the facts and circumstances of the present case. On the above basis, prayer for anticipatory bail has been made.

4. Learned A.P.P. for the State has opposed the prayer for anticipatory bail and submitted that the scheduled offence under Section 3(v)(a) of the SC/ST Act has been committed and the parties are known to each other, as such, Section 18 of the SC/ST Act also gets attracted, therefore, the anticipatory bail is not maintainable. It has further been submitted that the learned Trial Court has rightly not entertained the petition for grant of anticipatory bail considering the bar of Section 18 of the SC/ST Act.

5. Having heard the learned counsel for the parties and from perusal of the records, it appears that the parties are known to each other and as per allegation, scheduled offence under Section 3(v)(a) of the SC/ST Act is made out. In the opinion of this Court, Section 18 of the SC/ST Act gets activated. In that view of the matter, I am not inclined to enlarge the appellants on anticipatory bail.

6. In the result, the appeal is, hereby, dismissed and accordingly disposed of.

(Rajesh Kumar, J.)

7th September, 2026
Madhav/-
Uploaded on:08.09.2026