

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5541 of 2023

Arising Out of PS. Case No.-1180 Year-2020 Thana- COMPLAINT CASE District- Jamui

RANJIT YADAV @ MUKHIYA @ RANJIT KUMAR YADAV S/O LATE
SUKHDEO YADAV R/O VILLAGE- SATGAMA, P.S AND DISTT.-
JAMUI.

... .. Appellant/s

Versus

1. The State of Bihar
2. PRABHU MANJHI S/O LATE JHARI MANJHI R/O VILLAGE-
KATAUNA, P.S- MALAYPUR, DISTT.- JAMUI.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satya Prakash Parasar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-05-2025 Heard Mr. Satya Prakash Parasar, learned counsel
for the appellant as well as Mr. Sadanand Paswan, learned
Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
08.11.2023 passed by the learned Additional Sessions Judge-I-
cum-Special Judge, SC/ST (POA) & POCSO Act, Jamui in
A.B.P. No. 1713 of 2023 arising out of Complaint Case No.
1180C of 2020 registered under Sections 323, 504 of the Indian
Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and
Scheduled Tribes Act.

3. According to the prosecution case, the complainant



alleged that when he was collecting mud from the field of Rajnandan Mandal, the appellant arrived and abused him and demanded Rs.30,000 as ransom. Thereafter the appellant went away and after sometime he again arrived along with two accused persons and abused the complainant by taking his caste name and demanded Rs.30,000 as ransom.

4. Learned counsel for the appellants submits that appellant has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged is false and fabricated and the appellant has not committed any offence as alleged in the complaint petition and there is case and counter case. He further submits that the learned court below had taken cognizance against the appellant.

5. Learned Special Public Prosecutor for the State on the other hand, has vehemently opposed the prayer for anticipatory bail of the appellant and submits that in view of the fact that cognizance has been taken by the learned Court below, the appellant is not entitled for grant of anticipatory bail. He further referred to the paragraph no. 6 of the judgment reported in **(2014) 3 SCC 471 (Bachu Das vs. State of Bihar & Ors.)** which is quoted hereinbelow:-

“6. It is clear that the learned Magistrate carefully perused the complaint petition, as



well as the statement of the complainant and four witnesses examined during enquiry and arrived a prima facie conclusion against the accused persons that offence under, Sections 147, 149, 323, 448 I.P.C. and Section 3 of the SC/ST Act, is made out. In such circumstance and in view of the bar under Section 18 of the SC/ST Act, the learned counsel relying on the decision of this Court reported in (2012) 7 SCC 795 [Vilas Pandurang Pawar and Another v. State of Maharashtra and Others], submitted that the High Court is not justified in granting anticipatory bail. In similar circumstance, this Court has considered the offence under Section 3(1), as well as the bar provided under Section 18 of the SC/ST Act and concluded as under:

9. Section 18 of the SC/ST Act creates a bar for invoking Section 438 of the Code. However, a duty is cast on the court to verify the averments in the complaint and to find out whether an offence under Section 3(1) of the SC/ST Act has been prima facie made out. In other words, if there is a specific averment in the complaint, namely, insult or intimidation with intent to humiliate by calling with caste name, the accused persons are not entitled to anticipatory bail.

10. The scope of Section 18 of the SC/ST Act read with Section 438 of the Code is such that it creates a specific bar in the grant of anticipatory bail. When an offence is registered against a person under the provisions of the SC/ST Act, no court shall entertain an application for anticipatory bail, unless it prima facie finds that such



an offence is not made out. Moreover, while considering the application for bail, scope for appreciation of evidence and other material on record is limited. The court is not expected to indulge in critical analysis of the evidence on record. When a provision has been enacted in the Special Act to protect the persons who belong to the Scheduled Castes and the Scheduled Tribes and a bar has been imposed in granting bail under Section 438 of the Code, the provision in the Special Act cannot be easily brushed aside by elaborate discussion on the evidence."

6. Considering the aforesaid facts and circumstances and the judgment aforementioned, the present bail appeal is not maintainable.

7. Accordingly, the impugned order dated 08.11.2023 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) & POCSO Act, Jamui in A.B.P. No. 1713 of 2023 arising out of Complaint Case No. 1180C of 2020 is hereby affirmed and this appeal is dismissed as not maintainable.

(Rajesh Kumar Verma, J)

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