IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No.79 of 2026
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Pradip Jayswal @ Pradip Jaiswal @ Pradeep Jaiswal, aged about 47 years, S/o Badri Jaiswal @ Badri Choudhary R/o Chavan Nagar, Kanke Road, P.O.-Kanke, P.S.-Gonda & District-Ranchi .... Appellant

Versus

1. The State of Jharkhand
2. Kailash Oraon, S/o Late Mahadev Oraon, R/o Misirgonda, Gandhinagar, Kanke Road, P.O.-Kanke, P.S.-Gonda & District-Ranchi .... Respondents

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CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Sidhartha Roy, Adv.
For the State : Mr. Rajneesh Vardhan, A.P.P.
For the Victim : Mr. Shubhashis Rasik Soren, Adv.
: Ms. Shobha Gloria Lakra, Adv.

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04/30.04.2026

1. The present appeal has been filed under Section 14-(A)(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard learned counsel for the appellant and learned APP as well as learned counsel for the victim.

3. The present appeal is directed against the order dated 16.12.2025 passed by the learned AJC-II-cum-Special Judge, SC/ST Act, Ranchi in A.B.P. No.3295 of 2025 in connection with Gonda P.S. Case No.131 of 2025, registered for the offence under Sections 329(4), 352, 3(5) of the B.N.S., 2023 and Section 3(1)(f) (g) (r) (s) of the SC/ST (Prevention of Atrocities) Act, whereby and whereunder the prayer of the appellant for grant of anticipatory bail has been rejected. The case is presently pending before the court of learned AJC-II-cum-Special Judge, SC/ST Act, Ranchi.

4. The appellant has approached this Court for grant of anticipatory bail although the same is barred under Section 18 of the SC/ST (PoA) Act but there is land dispute between the parties and as such the prayer made in the present appeal is maintainable.

5. It has been submitted by the learned counsel for the appellant that as per the allegation, the land in question has been given to somebody else for running a liquor shop and the license has been issued in the name of third party. A complaint has been made by the landlord/victim upon which the notice has been issued by the Excise Department against which a writ petition has been filed being W.P.(C) No.2942 of 2026 in which interim protection has been granted.

6. It has been further submitted that thus, it is nothing but a land dispute and to settle the same, this criminal case has been lodged. It is nothing but a tactics for recovery of the possession of the land.

7. Further, referring to the judgment of Hon'ble Apex Court in the case of ***Hitesh Verma Vrs. State of Uttarakhand*** reported in ***2020 (10) SCC 710,*** it has been submitted that land dispute has been exaggerated in the criminality then the provision of section 18 of SC/ST (PoA) Act will not be applicable.

8. Learned counsel for the State and learned counsel for the victim has opposed the prayer and submitted that there is clear cut allegation that the land of the victim has been misused rather he has been abused also in public place.

9. Having heard learned counsel for the parties and from perusal of record, it clearly appears that there is land dispute between the parties and the matter has been reported to the Government Department for cancellation of license and also notice has been issued.

10. Considering the nature of dispute and the mandate of order of Hon'ble Apex Court, I am inclined to enlarge the appellant on anticipatory bail. Accordingly, the appellant, above named, is directed to surrender before the learned Trial Court within a period of four weeks from the date of receipt/production of copy of this order and in the event of his arrest or surrender, he shall be enlarged on bail, on his furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned AJC-II-cum-Special Judge, SC/ST Act, Ranchi in connection with Gonda P.S. Case No.131 of 2025, on the conditions as laid down under Section 482 of the B.N.S.S., 2023. Further, the appellant will submit self-attested photo copy of his Aadhaar Card and also submit his mobile number before the learned trial court which he will always keep active and will not change it during pendency of this case without prior permission of the Court.

11. Accordingly, instant criminal appeal is allowed and disposed of.

(Rajesh Kumar, J.)

30.04.2026
Shahid/
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