IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 270 of 2026
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1. Md. Jamaluddin, aged about 65 years, S/o Late Ajij Miyan
2. Md. Jamil Ahmad @ Jakil Ahmad, aged about 38 years, S/o Md. Jamaluddin
3. Sharia Bano, aged about 50 years, W/o Md. Jamaluddin
All resident of Mashratu, P.O. & P.S.-Katkamdag, Dist.-Hazaribag.

.... …. Appellants

Versus

1. The State of Jharkhand
2. Ajay Kumar Ram, aged about 35 years, S/o Late Saryu Ram, R/o Village-Kud, P.O.-Rewali, P.S. Katkamdag, District-Hazaribag

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Sidhant Sinha, Advocate
For the State : Mr. Bishambhar Shastri, APP
For the Informant/Victim : Mr. Akhtar Hussain, Advocate

Order No.07 / Dated : 01.09.2026.

1. The present appeal has been filed under Section 14-A (2) 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 counsel 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 19.11.2025 passed by the learned Additional Sessions Judge-VI, Hazaribagh in A.B.P No.1934 of 2025 in connection with SC/ST Sadar P. S Case No.08 of 2024, registered for the offences under Sections 190, 191, 115, 352, 351/3 of the BNS, 2023 and under Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act whereby the prayer for grant of anticipatory bail of the appellants has been rejected. The case is presently pending in the Court of learned Additional Sessions Judge-VI, Hazaribagh.
5. It has been submitted by the learned counsel for the appellants that there is a general and omnibus allegation against the appellants. It has been further submitted that the crime has been committed by a group in which

some of the accused are not named. Law is clear that for launching a case under the SC/ST Act, the accused must be non-member of the protected community and when the membership of the accused are not known, then the protected provision of the SC/ST Act cannot be invoked. On the above basis, prayer for anticipatory bail has been made.

6. Learned counsel for the State and learned counsel for the respondent No.2 have opposed the prayer for anticipatory bail but could not point out that entire accused party are non-member of protected community.
7. From perusal of the records and from the arguments, it appears that the cast of some of the accused are not known.
8. Considering the above facts, 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 Additional Sessions Judge-VI, Hazaribagh, in connection with SC/ST Sadar P. S Case No.08 of 2024, 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.

(**Rajesh Kumar, J.**)

01.09.2026
Pawan
Uploaded on 02 .09.2026