IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No.301 of 2026

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1. Shankar Singh, S/o Dukhu Singh aged about 40 years
2. Laxman Singh S/o Dukhu Singh aged about 49 years
3. Dukhu Singh, S/o Late Gajendra Singh aged about 68 years
4. Shatrujit Singh @ Shatarjit Singh S/o Laxman Singh aged about 23 years

All residents of Near Radha Nagar, Mandir, (Pandra O.P), P.S. Sukhdeo Nagar, P.O.-G.P.O., Dist.-Ranchi

…. …. Appellants

Versus

1. The State of Jharkhand
2. Budhram Oraon S/o Late Tanesh Oraon age-71 years
3. Ajay Tirkey, S/o Late Suiya Tirkey, age-38 years

Both R/o-Village-Hehal Bagicha Toli, P.S. Sukhdeonagar, (ToP-Pandra) P.O. Hehal, Ranchi, Jharkhand

…. …. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Gaurav Priyadarshi, Adv.
Mr. Suresh Prajapati, Adv.
For the State : Mr. Shiv Shankar Kumar, A.P.P.
For the Resp. No.2 : Mr. Shashank Shekhar, Adv.

06/Dated: 14.09.2026

1. The present appeal has been filed under Section 14A(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 learned counsel for the victims.

3. Pursuant to the order dated 01.09.2026, Mr. Shankar Toppo, Sub-Inspector, Pandra O.P., Ranchi is present before this Court and has submitted that the land in question is in possession of the appellants.

4. 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.

5. The present appeal has been filed against the impugned order dated 02.02.2026 in A.B.P. No. 114 of 2026 passed by the learned Additional Judicial Commissoner-II-cum-Special Judge SC/ST Act, Ranchi in connection with SC/ST P.S. Case No.53 of 2025, registered for the offence under Sections 126(2), 115(2), 329(3), 352, 351(3), 3(5) of

the B.N.S. and under Section 3 (i)(r)(s)(g) of the SC/ST (PoA) Act whereby the prayer for grant of anticipatory bail of the appellants has been rejected. The case is presently pending in the court of the learned Additional Judicial Commissioner-II-cum-Special Judge, SC/ST Act, Ranchi.

6. Learned counsel for the appellants has relied upon the judgment of Hon'ble Apex Court in ***Hitesh Verma Vs. The State of Uttarakhand,*** **reported in (2020) 10 SCC 710** and has submitted that there is a land dispute between the parties. There is a criminal case and the said land is in the possession of the victims who are members of protective community of the society. Further, the victim party are aggressors and as such, the offence under the SC/ST Act is not made out. The appellants undertake to participate in the trial. On the above basis, the prayer for bail has been made.

7. On the other hand, learned counsel for the State and learned counsel for the victim have opposed the prayer for bail. It has been submitted by the learned counsel for the victim that they have been forcefully ousted from the land, in question, and as such, offence under the SC/ST Act is made out. Once the offence under the SC/ST Act is made out, then Section 18 of the said Act gets attracted. It has further been submitted that the appellants are not in possession of any documents related to the alleged land in question. Thus, the title of the land is with the victim.

8. Having heard the learned counsel for the parties and on perusal of the records, it appears that the victim party are aggressors. Title is not a consideration in a criminal case, rather possession is a root cause. In the present case, as per the Investigating Officer, the possession of the land is with the appellants.

7. Considering the above facts, the appellants, above named, are directed to surrender in the court below within four weeks from the date of receipt/ production of the copy of this order and in the event of their arrest or surrender, they shall be enlarged on bail, on their furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each, to the satisfaction of learned Additional Judicial

Commissioner-II-cum-Special Judge, SC/ST Act, Ranchi in connection with SC/ST P.S. Case No.53 of 2025 on the conditions as laid down under **Section 482 B.N.S.S., 2023**. Further, the appellants will submit self-attested photocopy of their Aadhaar Card and also submit their mobile number before the learned court below which they will always keep active and will not change it during pendency of this case without prior permission of the court.

9. In the result, the instant appeal stands allowed and accordingly, disposed of.

(Rajesh Kumar, J.)

Dated: 14.09.2026
Pawan/-
Uploaded 15.09.2026