2026:JHHC:33555

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.926 of 2026

Lovely Tantubai aged about 30 years daughter of Bhagirath Tantubai resident of Village – Pata Tola Kaliyadih, P.O – Chainpur, P.S. - Chandil, District – Seraikella (Kharsawan).
..... Appellant.

Versus

1. The State of Jharkhand
2. Lakhi Devi wife of Suku Mardi resident of Village - Pata Tola Kaliyadih, P.O + P.S. - Chandil, District – Seraikella (Kharsawan). **..... Respondents**

With
Cr. Appeal (S.J) No.1007 of 2025

1. Rajesh Tantubai @ Rajesh Kumar Tantubai aged about 32 years son of Bhagirath Tantubai.
2. Vishal Tantubai aged about 18 years son of Manohar Tantubai.
   Both resident of Village – Pata Tola Kaliyadih, P.O – Chainpur, P.S. - Chandil, District – Seraikella (Kharsawan). **..... Appellants.**

Versus

1. The State of Jharkhand
2. Lakhi Devi wife of Suku Mardi resident of Village - Pata Tola Kaliyadih, P.O + P.S. - Chandil, District – Seraikella (Kharsawan). **..... Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants	: Mr. Rohit Agarwal, Advocate Mr. Ashish Kumar, Advocate
For the State	: Mr. Ajay Kr. Pathak, A.P.P Mr. Manoj Kr. Mishra, A.P.P
For the Resp. No.2	: Mr. Mahesh Kr. Sinha, Advocate Mr. Gaurav Priyadarshi, Advocate Mr. Anup Kr. Yadav, Advocate

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Order No.06/ Dated: 25th November, 2026

1. Heard learned counsel for the appellants, learned A.P.P and learned counsel for the respondent No.2/ victim.

2. The present appeals have been filed under Section 14-A of the Scheduled Castes/ Scheduled Tribes (Prevention of

Atrocities) Act, 1989 [in short SC/ST (POA) Act] for grant of anticipatory bail though the same bars under Section 18 of the SC/ST (POA) Act.

The present appeals have been filed against the order dated 19.02.2025, passed by the court of learned Additional Sessions Judge – I -cum Special Judge SC/ST Act, Seraikella, in A.B.P No.482 of 2024, whereby the prayer for grant of anticipatory bail to the appellants has been rejected in connection with Chandil P.S. Case No.154 of 2024, registered for the offence under Sections 115(2)/ 351(3)/ 352/ 324(5)/ 3(5) of the BNS, 2023 and Sections 3(1)(r)/ 3(1)(s) of the SC/ST (POA) Act.

3. It has been submitted by the learned counsel for the appellants that there is a land dispute between the parties and there is a case and counter case. The land, in question, is in possession of the appellants and their possession has been sought to be disturbed, which is the cause of the litigation. It has further been submitted that a land dispute cannot be settled by using the protective legislation and as such, the anticipatory bail is maintainable and the appellants are entitled for anticipatory bail. On the above basis, prayer for anticipatory bail has been made.

4. Learned counsel for the State and learned counsel for the respondent No.02/ victim have opposed the prayer for grant of anticipatory bail. It has been submitted by the learned counsel for the victim that the land, in question, is in the name of Atul Manjhi and the victim has been allowed to cultivate the land and as such she is in cultivating possession and her possession has been disturbed and she has been assaulted also and as such the offence under the SC/ ST (POA) Act is made out.

5. Having heard learned counsel for the parties and from perusal of record, it appears that as per the land record, produced before this Court, the land belongs to Manjhi, but the victim has claimed the cultivating possession as it has been allowed by the land holder i.e. Manjhi, while the appellants have claimed their cultivating possession for the last 60-70 years and it has been asserted that their possession

has been disturbed.

Since it is primarily a land dispute, I am inclined to grant the privilege of anticipatory bail to the appellants. Accordingly, The appellants 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 Sessions Judge–I, Seraikella, in connection with Chandil P.S. Case No.154 of 2024, on the conditions as laid down under **Section 482 of the 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 the case without prior permission of the court.

6. In the result, the appeals are, hereby, allowed and accordingly disposed of.

(Rajesh Kumar, J.)

25th November, 2026
Chandan/-
Uploaded on 26.11.2026