IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J) No.358 of 2026

---

1. Radheshyam Sahu, aged about 50 years, son of Sishun Sahu
2. Bimla Devi, aged about 48 years, wife of Radheshyam Sahu
3. Shivcharan Sahu, aged about 29 years, son of Radheshyam Sahu

All are resident of village Redwa Mahuda, P.O. Margu Police Station Sisai, District Gumla. **…. …. Appellant(s)**

-Versus-

1. The State of Jharkhand
2. Soma Dhanwar, son of late Chinta Khariya, resident of Village Mahuda Khijurtoli, P.O. Sogra, Police Station Sisai, District Gumla.

…. …. Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Rajesh Kumar Singh, Advocate
For the State : Mrs. Bandana Sinha, A.P.P
For the Resp. No.2 : Ms. Puja Kumari, Amicus Curiae

06/Dated: 3rd September, 2026

1. The present appeal has been filed under Section 14-A 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 Amicus Curiae 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 05.01.2026, whereby and whereunder, the prayer for anticipatory bail of the appellants has been rejected by the court of learned Additional Sessions Judge-1-cum-Special Judge, Gumla in A.B.P No.508 of 2025 in connection with Complaint Case No.150 of 2024 for the offence under Sections 3(1)(f)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The case is presently pending in the Court of learned Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Gumla.

5. Admittedly, it is a private complaint and summon has already been issued against the appellants for their appearance. Reference has been made to the order dated 23.04.2026 passed by the Hon'ble Apex Court in the case of ***Om Prakash Chhawnika @ Om Prakash Chabnika @ Om Prakash***

Chawnika Vrs. State of Jharkhand & Anr. reported in ***2026 SCC OnLine SC 676***. **11.**

6. In that view of the matter, the appellants are directed to approach the Trial Court for participation in the trial and the Trial Court is directed to proceed in accordance with law.

7. With the above observation and direction, the present criminal appeal stands dismissed as not maintainable.

8. Services rendered by Ms. Puja Kumari, learned Amicus Curiae, is highly appreciable.

9. The Member Secretary, Jharkhand State Legal Services Authority, Ranchi shall pay the remuneration, as admissible, to the learned Amicus, on submission of bill(s).

(Rajesh Kumar, J.)

Dated: 3rd September, 2026
Madhav/- Uploaded on:07/09/2026