2026:JHHC:26489

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.424 of 2026

Neeraj Kumar @ Niraj Thakur, aged about 33 years, Son of Krishna Thakur, Resident of Kumhartoli, P.O Hazaribag, P.S Sadar, District Hazaribag. ..... **Appellant**

Versus

1. The State of Jharkhand
2. Dipanshu Kuamr, aged about 18 years, Son of Chandramohan Paswan, Resident of Baba Path, Hurhuru, P.O. - Hazaribag, P.S. Sadar (Bara Bazar O.P) District Hazaribag. ..... **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Rajesh Kumar, Advocate
For the State : Mr. Saket Kumar, A.P.P
For the Resp. No.2 : Mr. S. B. Deo, Advocate

Order No.04/ Dated: 02nd September, 2026

I.A. No.8677 of 2026

1. The instant interlocutory application has been filed with a prayer that the informant of this case be represented through his father in the instant appeal.

2. I.A. No.8677 of 2026 is, hereby, allowed. Learned counsel for the appellant is directed to make necessary correction in the cause title of the present appeal, in course of the day.

Cr. Appeal (S.J) No.424 of 2026

1. Heard learned counsel for the appellant, learned A.P.P. and learned counsel for the respondent No.02/ victim.

2. The present appeal has 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 appeal has been filed against the order dated 31.01.2026, passed by the court of learned Additional Sessions Judge –VI, Hazaribag, in A.B.P No.79 of 2026, whereby the prayer for grant of anticipatory bail to the

appellant has been rejected in connection with SC/ ST P.S. Case No.05 of 2024 (SC/ST Case No.55 of 2025), registered for the offence under Sections 341/ 323/ 504/ 506/ 307/ 387/ 34 of the Indian Penal Code and Sections 3(1)(r) and 3(1) (s) of the SC/ ST (POA) Act, pending in the court of learned Additional District & Sessions Judge –VI -cum- Special Judge, SC/ST Act, Hazaribagh.

3. It has been submitted by the learned counsel for the appellant that there was a commercial transaction between the parties and when the appellant has demanded loan amount then the present false and frivolous case has been lodged. On the above basis, prayer for anticipatory bail has been made.

4. On the other hand, learned counsel for the State and learned counsel for the respondent No.02 have opposed the prayer for grant of anticipatory bail to the appellant. It has been submitted that it is a clear cut case of abuse and assault in a public place 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 the Parliamentary Law, it is quite evident that whenever an offence under the SC/ ST (POA) Act is made out, Section 18 of the same Act gets attracted and the jurisdiction of the Court gets barred so far as grant of anticipatory bail is concerned.

6. So far as the facts of the present case is concerned, reference may be made to the Sections 3(2)(v), 3(2)(va) and 8(c) of the SC/ ST (POA) Act, which are quoted herein below :-

> ***" 3. Punishment for offences of atrocities.—***
> *(1). .....*
> ***(2) (v)*** *commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine;."*
>
> ***(2) (va)*** *commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to fine;"*

> ***8. Presumption as to offences.— In a prosecution for an offence under this Chapter, if it is proved that—***
> *(a) .....*
> *(b) .....*
> ***(c)*** *the accused was having personal knowledge of the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved."*

Thus, whenever a offence having ten years of punishment is made out and the parties are known to each other, then the SC/ ST (POA) Act gets attracted and once the SC/ ST (POA) Act gets attracted, Section 18 of the SC/ ST (POA) Act gets activated and in such a scenario, prayer for grant of anticipatory bail cannot be allowed.

7. In that view of the matter, I am not inclined to grant the privilege of anticipatory bail to the appellant.

8. Accordingly, the present criminal appeal stands dismissed.

(Rajesh Kumar, J.)

02nd September, 2026
Ravi-Chandan/-
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