2026:JHHC:26450

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.400 of 2026

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1. Shankar Sahu, aged about 61 years, S/o Late Ram Gulam Sahu, R/o village Ambera, P.O Bhandra, P.S. Bhandra, Dist.-Lohardaga, Jharkhand - 835302.
2. Pankaj Kumar Gupta, aged about 37 years, S/o Mithlesh Kumar Gupta, R/o village Mela Tanr, Khunti, P.O. Khunti, P.S. Khunti, District Khunti, Jharkhand - 835210.

..... Appellants

Versus

1. The State of Jharkhand
2. Victim.

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Baibhaw Gahlaut, Advocate
For the State : Mr. Tarun Kumar, A.P.P
For the Resp. No.2 : None

Order No.05/ Dated: 02nd September, 2026

1. Heard learned counsel for the appellants and learned A.P.P. Nobody appears on behalf of respondent No.02/ victim.

2. The present appeal has been filed under Section 14 A(1) of the Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act [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 26.03.2026, passed by the court of learned Additional Sessions Judge–I -cum- Special Judge, SC/ST Act, Lohardaga, in A.B.P No.47 of 2026, whereby the prayer for grant of anticipatory bail to the appellants has been rejected in connection with Lohardaga SC/ ST P.S. Case No.12 of 2025, registered for the offence under Sections 69, 115(2), 126(2), 351(3), 3(5) of BNS, 2023 and Sections 3(1)(r) and 3(1)(s) of the SC/ ST (POA) Act, pending in the court of earned Additional Sessions Judge – I -cum- Special Judge, SC/ST Act, Lohardaga.

3. It has been submitted by the learned counsel for the appellants that no offence under the SC/ ST (POA) Act is made out rather it was a long relationship between the

alleged victim and the son of the appellant No.1 and on end of the said relationship, this false and fabricated case has been lodged. In fact, there was scuffle between the victim and the son of the appellant No.1 and due to fall she sustained injury, but that has wrongly been used for making allegation against these appellants. It has further been submitted that earlier a complaint case was filed against the son of the appellant No.01, which was subsequently withdrawn. Even as per the allegation, the allegation is upon the son of the appellant No.01. The appellant Nos.01 & 2 are father and brother -in-law, respectively, and they are nowhere involved in the alleged crime and they have been wrongly roped in the present case and as such no offence under the SC/ ST (POA) Act is made out against them. On the above basis, it has been submitted that the appellants are entitled for grant of anticipatory bail.

4. On the other hand, learned counsel for the State has opposed the prayer for grant of anticipatory bail to the appellants.

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;."*
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> ***(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 the present case, there is a clear cut allegation under Section 323 IPC (corresponding Section 115(2) of BNS) and the parties are known to each other.

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

8. Accordingly, the present criminal appeal stands dismissed.

(Rajesh Kumar, J.)

02nd September, 2026
Ravi-Chandan/-
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