2026:JHHC:26488

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.406 of 2026

Anupam Kumar, aged about 32 years, Son of Akhilesh Kumar, Resident of Bhusunda More, Fatehpur, P.O & P.S. - Fatehpur, Dist. - Gaya, Bihar presently residing at Sharda Complex, Opp. Hanuman Mandir, Street No.03, Chuna Bhatta, P.O & P.S. - Kokar, Dist. - Ranchi, Jharkhand.

..... **Appellant.**

Versus

1. The State of Jharkhand
2. Victim. ..... **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Niraj Kr. Mishra, Advocate
For the State : Mr. Rajesh Kumar, A.P.P
For the Resp. No.2 : Mr. Nikhil Ranjan, Advocate

Order No.04/ Dated: 02nd September, 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(1) of the Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 [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 08.04.2026, passed by the court of learned Additional Judicial Commissioner –II -cum- Special Judge, SC/ST Act, Ranchi, in A.B.P No.494 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.10 of 2026, registered for the offence under Sections 69, 352, 351(3) of BNS, 2023 and Sections 3(1)(r) (s) (w) (i) of the SC/ ST (POA) Act, pending in the court of learned Additional Judicial Commissioner –II -cum- Special Judge, SC/ST Act, Ranchi.

3. It has been submitted by the learned counsel for the appellant that both the parties are major and it was a consensual relationship and as such, no offence is made out. 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. Reference of Section 69 of BNS has been made, which reads as under :-

> *"**69. Sexual intercourse by employing deceitful means, etc. -** Whoever, by deceitful means or by making promise to marry a woman without any intention of fulfilling the same, and has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine."*

Further, reference of Sections 3(2)(v), 3(2)(va) and 8(c) of the SC/ ST (POA) Act has also made, 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."*

It has been submitted that whenever 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 said Act gets activated and in such a scenario, prayer for grant of anticipatory bail cannot be allowed.

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

7. Accordingly, the present criminal appeal stands dismissed.

(Rajesh Kumar, J.)

02nd September, 2026
Ravi-Chandan/-
Uploaded on 03.09.2026