IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J) No.447 of 2026

Himanshu Soni, aged about 23 years, S/o Bramhdev Soni, R/o Village Parasi, Modi Mohalla, P.O. & P.S. Ichak, District Hazaribagh, Jharkhand

…. …. Appellant(s)

-Versus-

1. The State of Jharkhand
2. Victim **…. …. Respondent(s)**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Rakesh Kumar Gupta, Adv.
: Mr. Kripa Shankar Nanda, Adv.
For the State : Mrs. Anuradha Sahay, A.P.P
For the Respondent No.2 : Mr. Pawan Kumar Singh, *Amicus Curiae*

04/Dated: 07th September, 2026

1. Heard learned counsel for the appellant, learned counsel for the State and the learned amicus for the respondent No.2/victim.

2. The present appeal has been filed under Section 14-A of the Scheduled Castes and 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 20.02.2026 passed by the learned Additional Sessions Judge-VI, Hazaribagh in A.B.P No.180 of 2025 arising out of SC/ST P.S. (Sadar) Case No.15 of 2025, registered for the offence under Sections 69, 89, 115(2) & 352 of the BNS, 2023 and Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The case is presently pending in the court of learned Additional District Judge-VI, Hazaribagh.

3. It has been submitted by the learned counsel for the appellant that both the parties are major and it is nothing but false and frivolous allegation. It has been submitted that the appellant was in *Ajmer* on the alleged date of occurrence. Further, it has been submitted that that the plea of *alibi* has also been taken by the appellant and a *Sanha* has been lodged by alleging that he had been blackmailed by the victim. There is inordinate delay of forty days in lodging the F.I.R. On that basis, prayer for anticipatory bail has been made.

4. Learned counsel for the State and learned counsel for the respondent No.2 have opposed the prayer for anticipatory bail. However, learned counsel for the victim has submitted that it is not only a case of exploitation of a member of the weaker section of the society, but smartness has also been played by making a false *Sanha* and taking a false plea of *alibi*.

5. If an offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, gets attracted, then Section 18 of the SC/ST (PoA) gets activated. Section 69 of the ***Bharatiya Nyaya Sanhita, 2023*** reads as under:-

> "**69**. **Sexual intercourse by employing deceitful means, etc**.- Whoever, by deceitful means or making by promise to marry to 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."

6. So far as 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."

7. Thus, whenever an 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) gets attracted, Section 18 of the SC/ST (PoA) Act gets activated.

8. In the present case, it is not a case of one day rather it is regular intercourse which has resulted into pregnancy also as per the allegation. Thus, the offence under Section 69 read with Section 3(2)(v) is made out and thus, the offence under Section 18 of the SC/ST (PoA) gets activated, and as such, the prayer for grant of anticipatory bail is not maintainable.

9. In that view of the matter, I am not inclined to grant the privilege of anticipatory bail to the appellant. Accordingly, the present criminal appeal is hereby, **dismissed**.

10. Let this order be communicated to the learned Member Secretary, JHALSA, Ranchi, for the purpose of remuneration to be paid to the learned Amicus Curiae as permissible.

(Rajesh Kumar, J.)

Dated: 07th September, 2026
Raja/- Uploaded on 08.09.2026