IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 478 of 2026

Prakash Kumar aged about 36 years, S/o Pawan Kumar Agarwal, R/o Lovely Cottage, Sati Mandir Lane, Ratu Road, P.O.-G.P.O., P.S.-Sukhdeo Nagar, District-Ranchi

.... …. Appellant

Versus

1. The State of Jharkhand
2. Bhushan Oraon, S/o Late Narayan Oraon, R/o Village-Badi, P.O.-Irgaon, P.S.-Kairo, Dist.-Lohardaga

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. J.S. Singh, Sr. Advocate
Ms. Pragati Prasad, Advocate
For the State : Mrs. Kumari Rashmi, APP
For the Informant/Victim : None

Order No.04 / Dated : 16.09.2026.

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 appellant, learned counsel for the State. In spite of subsisting vakalatnama, nobody appears on behalf of 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 27.01.2025 passed by the learned Additional Judicial Commissioner-II-cum-Special Judge, SC/ST Act, Ranchi in A.B.P No.3032 of 2024, arising out of SC/ST P.S. Case No.49 of 2021, registered for the offence under Sections 341, 323, 353, 504, 34 of the Indian Penal Code and Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act whereby the prayer for grant of anticipatory bail of the appellant has been rejected. The case is presently pending in the Court of learned Additional Judicial Commissioner-II-cum-Special Judge, SC/ST Act, Ranchi.

5. It has been submitted by the learned counsel for the appellant even if the allegations are taken to be true, it appears that the matter is merely

a simple dispute between the parties. This appellant has suffered injury also. There is a case and counter case between the parties. Notice under Section 41(A) has been issued to which, he has replied and submitted the injury report also. Even if the allegation is accepted, it is police personnel who have been disturbed in performing his duty, but the investigation is not on that land. It is nothing, but a misuse of the protective provision and that too by the police personnel. On that basis, prayer for anticipatory bail has been made.

6. Learned counsel for the State has opposed the prayer for anticipatory bail but could not point out that any investigation has been conducted regarding the alleged disturbance caused by the appellant. The counter case is at a belated stage.

7. Considering the above facts, I am inclined to grant anticipatory bail to the appellant. Accordingly, the appellant, named above, is directed to surrender in the trial court within four weeks from the date of receipt/production of a copy of this order, and in the event of his arrest or surrender, he shall be enlarged on anticipatory bail, on his furnishing bail bond of Rs.10,000/- (Rs. Ten Thousand) each with two sureties of the like amount each, to the satisfaction of learned Additional Judicial Commissioner-II-cum-Special Judge, SC/ST Act, Ranchi, arising out of SC/ST P.S. Case No.49 of 2021, on the conditions as laid down under Section 482 of the B.N.S.S., 2023. Further, the appellant(s) will submit self-attested photocopy of his /her/their Aadhaar Card(s) and also submit his/her/their mobile number(s) before the learned trial court which he/she/they will always keep active and will not change it without prior permission of the court, till conclusion of the case.

8. In the result, the present criminal appeal stands allowed and accordingly, disposed of.

(**Rajesh Kumar, J.**)

16.09.2026
Pawan
Uploaded on 17.09.2026