IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J) No.491 of 2026

Vijay Kumar Tantubai @ Bijay Kumar Tantubay, aged about 36 years, Son of Radhakant Tantubai, resident of Chilgu, Saharbera, P.O. and P.S. Chandil, District Seraikella-Kharsawan, Jharkhand

…. …. Appellant(s)

-Versus-

1. The State of Jharkhand
2. Biren Layek, son of Ghasiram Layek, resident of Bhuiyadih, Chilgu, P.O. and P.S. Chandil, District Seraikella-Kharsawan, Jharkhand.

…. …. Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. D.K. Karmakar, Adv.
For the State : Mr. Abhay Kumar Tiwari, A.P.P
For the Respondent No.2 : Mr. R.S.P. Sinha, Sr. Adv.
: Mr. Rakesh Kumar Sinha, Adv.

10/Dated: 25th November, 2026

1. Heard the parties.

2. The present appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) 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 22.04.2026 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Seraikella in A.B.P No.83 of 2026 whereby the prayer for grant of anticipatory bail of the appellant has been rejected in connection with Chandil P.S. Case No.19 of 2026, for the offence under Sections 308(2), 351(2) & 352 of the **BNS, 2023** and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The case is presently pending in the court of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Seraikella.

3. Pursuant to the Court's order, Mr. Ram Dayal Oraon, Sub-Inspector of Police, Chandil Police Station, Seraikella-Kharaswan, is present before this Court and it has been admitted by the Investigating Officer that there was an illegal mining, for which, a case was lodged against unknown.

4. It has been submitted by the learned counsel for the appellant that it is nothing but misuse of the protective provisions of the SC/ST Act. There was an illegal mining and on being objected, this false and frivolous case has been lodged. On that basis, prayer for anticipatory bail has been made.

5. Learned senior counsel for the respondent No.2 has opposed the prayer for anticipatory bail of the appellant.

6. After interacting with the parties and perusing the materials available on record, *prima facie*, this Court finds that it is nothing but misuse of the protective provisions of the SC/ST Act, and as such, I am inclined to grant the privilege of 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*) with two sureties of the like amount each, to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Seraikella in connection with Chandil P.S. Case No.19 of 2026, 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.

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

8. The personal appearance of the above Government official is hereby, dispensed with.

(Rajesh Kumar, J.)

Dated: 25th November, 2026
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