IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.514 of 2026

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1. Khurshid Alam @ Md. Khurshid Alam, aged about 65 years, S/o Late Md. Safiquddin,
2. Md. Mahmud Alam @ Lalu @ Md. Mohmud @ Md. Mahmud Rasid, aged about 28 years, S/o Khurshid Alam,
   Both resident of Village-Karhariya, P.O. Anjana, P.S. Hanwara, District Godda ….. **Appellants.**

Versus

1. The State of Jharkhand
2. Gaytri Devi, W/o Manilal Das, resident of Village Bhairochak, P.O. + P.S. Hanwara, District Godda ..... **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant(s) : Ms. Kabisha Goenka, Advocate
For the State : Mr. Manoj Kumar Mishra, APP

Order No.05/ Dated: 2nd September, 2026

1. Heard learned counsel for the appellants and learned APP for the State.

2. Nobody appears on behalf of the respondent No.2/Victim in spite of valid service of notice.

3. The present appeal has been filed under Section 14(A)(3) of the Scheduled Castes/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 29.04.2026, passed by the court of learned Additional Sessions Judge-1st, Godda, in A.B.P No.172 of 2026, whereby the prayer for grant of anticipatory bail to the appellants has been rejected in connection with Hanwara P.S. Case No.12 of 2025, registered for the offence under Sections 126(2), 115(2), 308(2), 352, 351(2) of the B.N.S., 2023 and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. It has been submitted by the learned counsel for the appellants

that there is a delay of 7 days in lodging the FIR. Since the entire incident is not in a public view as such no offence under the SC/ST Act is made out. On the above basis, prayer for anticipatory bail has been made.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail and submitted that a member of weaker section of society has been declared as a thief and he has been assaulted and money has also been snatched. This is a perfect case where offence under the SC/ST Act is invoked. Reference has been made of Sections 3(2)(v) 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;."*
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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 Castes or a Scheduled Tribes 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."*

6. It has been submitted that whenever offence having ten years of punishment is committed 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.

7. Having heard the learned counsel for the parties and from perusal of record, it appears that the offence under the SC/ST Act is made out and, as such, Section 18 of the Act gets activated. In that view of the matter, I am not inclined to enlarge the appellants on anticipatory bail.

8. In the result, the appeal is, hereby, rejected and accordingly disposed of.

(Rajesh Kumar, J.)

2nd September, 2026
Madhav/-
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