IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No.576 of 2025
....

1. Ashique Ansari @ Md Asif Raja age about 36 years son of late Haji Ishteyak Ahmad
2. Guddu Ansari @ Md Aamir Raja @ Md Amir Raza age about 37 years son of late Haji Ishteyak Ahmad
3. Isha Ansari @ Mohammad Isha Sheikh @ Md Isha Ansari age about 74 years son of late Ali Rahim Sheikh …. Appellants
4. Maruque Aansari @ Sheikh Maruf Ansari @ Md Maruf Ansari age about 33 years son of Isha Ansari
5. Imam Ansari @ Imam Ali age about 52 years son of late Ishtehar Ansari
6. Ishaque Ansari @ Ishaque Sheikh @ Ishaque age about 72 years son of late Ali Rahim Ansari
7. Ali Ansari @ Md Ali Sheikh @ Ali Shesh age about 52 years son of late Ishtehar Ansari
8. Mrutuja Ansari @ Sheikh Murtuja Ansari age about 48 years son of late Ishtehar Ansari

   All resident of village Adar, P.O. Adar, P.S. Bardiha District-Garhwa (Jharkhand) …. Appellants

Versus

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

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CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Vishal Srivastava, Adv.
For the State : Mr. Shashi Kumar Verma, A.P.P.
For the Victim : Mr. Manoj Kumar No.2, Adv.

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12/28.04.2026

1. The present appeal has been filed under Section 14-A of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. Heard learned counsel for the appellants and learned APP as well as learned counsel for the victim

3. The present appeal is directed against the order dated 22.05.2025 passed by the learned Addl. Sessions Judge-I-cum-Special Judge SC/ST (PoA) Act, Garhwa in A.B.P. No.332 of 2025 in connection with Bardiha P.S. Case No.35 of 2024, registered for the offence under Sections 147/ 148/ 149/ 341/ 325/ 354(B)/ 436/ 504 & 506 of IPC and Section 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989 whereby and whereunder the prayer of the appellants for grant of anticipatory bail have been rejected. The case is presently pending before the court of learned District & Sessions Judge-I, Garhwa.

4. The appellants have approached this Court for grant of anticipatory bail although the same is barred under Section 18 of the SC/ST (PoA) Act but

there is land dispute between the parties and as such the prayer made in the present appeal is maintainable.

5. It has been submitted by the learned counsel for the appellants that it is nothing but misuse of the process of the protective legislation.

6. Learned counsel for the appellants has placed before me the report dated 04.06.2024 submitted by the officer-in-Charge of Bardiha Police Station for initiation of 107 Cr.P.C. proceeding. The contents of the report reads as under:-

सेवा में,

अनुमंडल दण्डाधिकारी महोदय
गढ़वा ।

विषयः दोनो पक्षों के विरूद्ध द०प्र०स० की धारा-107 के अंतर्गत निरोधात्मक कार्रवाई हेतु प्रतिवेदन ।

महाशय,

उपरोक्त विषय के संदर्भ में सादर सूचित करना है कि प्रथम पक्ष द्वारा समर्पित आवेदन का जाँच ग्राम-आदर, थाना बरडीहा, जिला गढ़वा जाकर दोनो पक्षो की उपस्थिति में खुले एवं गुप्त रूप से 'किया। जाँच के क्रम में यह बात प्रकाश में आयी की वर्ष 1970 से ही जमीन खाता सं0-1/247, प्लॉट सं0-395/2378, रकवा-2 (दो) बिगहा नया खतियान के अनुसार 1 (एक) एकड़ 24 (चौबीस) डी0 जमीन प्रथम पक्ष के आवेदक मो० आशीफ रजा के दांदा स्व० अली रहीम शेख के कब्जे में है। अब द्वितिय पक्ष के द्वारा जंबरजस्ती उक्त जमीन में दखल कर सरकारी कुआँ का निर्माण कार्य किया जा रहा है, जिससे दोंनों पक्षों में काफी आक्रोश है और कभी भी अप्रिय घटना घटित कर सकते हैं, जिससे शांति एवं विधि-व्यवस्था की समस्या उत्पन्न हो सकती है।

अतः अनुरोध है कि दोनो पक्षो के विरूद्ध द०प्र०स० की धारा 107 के तहत निरोधात्मक कार्रवाई करते हुए प्रतिबंधित करने की कृपा किया जाए ताकि शांन्ति व्यवस्था/विधि व्यवस्था बनी रहे।

विश्वासभाजन
थाना प्रभारी
बरडीहा थाना

7. It has been further submitted that thus there is a finding by the authority that these appellants are in possession of the said piece of land.

8. Learned counsel for the State and learned counsel for the victim has opposed the prayer and submitted that there is a specific allegation of sexual assault and otherwise assault also.

9. Considering the fact that possession of the land has been found in favour of the accused persons, I am inclined to enlarge the appellants on anticipatory bail. Accordingly, the appellants, above named, are directed to surrender before the learned Trial Court within a period of four weeks from the date of receipt/production of copy of this order and in the event of their arrest or surrender, they shall be enlarged on bail, on their furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge-I, Garhwa in connection with Bardiha P.S. Case No.35 of 2024 on the conditions as laid down under Section 482 of the B.N.S.S., 2023. Further, the appellants will submit self-attested photo copy of their Aadhaar Card and also submit their mobile number before the learned trial court which they will always keep active and will not change it during pendency of this case without prior permission of the Court.

10. Accordingly, instant criminal appeal is allowed and disposed of.

(Rajesh Kumar, J.)

28.04.2026
Shahid/
Uploaded on 30.04.2026