IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 589 of 2026
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1. Subhan Ansari @ Md. Subhan Ansari, aged about 39 years, S/o Ismail Ansari @ Md. Ismail Ansari, R/o Village-Sikdardih (Rajpura), P.O. + P.S.-Pachamba, District-Giridih
2. Riyaz Ansari @ Tinku Ansari, aged about 37 years, S/o Fajal Ansari @ Hussain, R/o Village-Dhobidih, P.O.+P.S. Pachamba, District-Giridih
3. Ravindra Prakash @ Sinha, aged about 52 years, S/o Singhasan Sinha, R/o Mohalla-Bhandaridih, P.O. + P.S.-Giridih (T), District-Giridih
4. Ashik Taj @ Md. Ashik, aged about 56 years, S/o Ahmad Ansari @ Ahmad Miyan, R/o Village-Khariodih, P.O.+P.S. Giridih (M), Dist.-Giridih .... …. Appellants

Versus

1. The State of Jharkhand
2. Chameli Devi, aged about 59 years, W/o Gango Das, R/o Village-Khariodih, P.O. + P.S. Giridih (M), District-Giridih

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Ramesh Kumar, Advocate
Mr. Arwind Kumar, Advocate
For the State : Mr. Arup Kr. Dey, APP
For the Informant/Victim : Mr. Kamdeo Pandey, Advocate

Order No.05 / Dated : 16.09.2026.

1. The present appeal has been filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard learned counsel for the appellants, learned counsel for the State and the learned counsel for the respondent No.2/victim.

3. Pursuant to the order dated 02.09.2026, Mr. Prabhat Kumar, Sub-Inspector, Pachamba P.S, Giridih is present before this Court.

4. 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.

5. The present appeal has been filed against the order dated 04.05.2026 passed by the learned Additional Sessions Judge-I-cum-Special Judge SC/ST (PoA) Act, Giridih in A.B.P No.569 of 2026 arising out of SC/ST P.S. Case No.18 of 2025, registered for the offence under Sections 115(2), 303(2), 308(3), 352, 351(2) of the BNS, 2023 and Section 3(I) (IV)(V)(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act whereby the prayer for grant of anticipatory bail of the

appellants has been rejected. The case is presently pending in the Court of learned Additional Sessions Judge-I-cum-Special Judge SC/ST (POA), Giridih.

6. It has been submitted by the learned counsel for the appellants that there is a land dispute between the parties and further, the land, in question, is not in use by any of the party. These appellants have tried to utilize the land and they have been objected by the victim. It is also submitted that anticipatory bail is maintainable and the appellants deserve the privilege of anticipatory bail. On the above basis, prayer for anticipatory bail has been made.

7. Learned counsel for the State and the learned counsel for the respondent No.2 have opposed the prayer for anticipatory bail. It has been submitted by the learned counsel for respondent No.2 that the land belongs to the victim and as such, they have every right to object utilization of the land by the appellants and in that process, he cannot be alleged as aggressors.

8. Investigation Officer of this case, on basis of material collected, has submitted that the land is not in use and it was trying to be utilized by the appellants and as per the report submitted by the concerned Circle Officer, the land belongs to the appellants' party.

9. In view of the above factual matrix, it is quite clear that the victims are the aggressors, not the appellants.

10. Considering the above facts, I am inclined to grant anticipatory bail to the appellants. Accordingly, the appellants, named above, are 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 their arrest or surrender, they shall be enlarged on anticipatory bail, on their 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 Sessions Judge-I-cum-Special Judge SC/ST (POA), Giridih, in connection with SC/ST P.S. Case No.18 of 2025, 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.

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

12. The assistance given by the Investigating Officer is appreciated and his personal appearance is, hereby, dispensed with.

(**Rajesh Kumar, J.**)

16.09.2026
Pawan
Uploaded on 17.09.2026