IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (SJ) No. 667 of 2026

1.Bikky Kundu, son of Tarun Kundu, aged 31 years, resident of House-54 A, Village Gangadih, Haludpukhur, P.O. Haludpukur P.S. Kowali, District East Singbhum, Jharkhand-831002
2.Sanjay Kundu, son of Sushil Kundu, aged 34 years, resident of 26, Gangadih, Village Gangadih, P.O. Haldipokhar, P.S. Kowali, Gangadi, District East Singhbhum, Jharkhand ……..... **Appellant(s)**

Vrs.

1.The State of Jharkhand
2.Chandan Dhir, aged about 30 years, son of Laxmi Narayan Dhir, resident of Village Chhota Talaijhor, P.O. Amlatola, P.S. Kowali, District East Singhbhum, Jharkhand ..... **Respondent(s)**

…....

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant(s) : Mr. Sanjay Kumar Pandey, Advocate
Mr. Rajan Kr. Tiwary, Advocate
Ms. Prachi Pradipti, Advocate
For the State : Mr. Pankaj Kumar, P.P.
For the Resp. No.2 : None

I.A. No.9212 of 2026

03/02.11.2026 The instant interlocutory application has been filed for condonation of delay of 9 days occurred in preferring the present appeal.

2. Since, it is a matter of liberty of the appellants and further, for the reason assigned in the present interlocutory application, delay occurred in preferring the present criminal appeal is condoned.

3. I.A. No. 9212 of 2026 is allowed and accordingly, disposed of.

Criminal Appeal (SJ) No. 667 of 2026

1. Heard learned counsel for the appellants and learned counsel for the State. Inspite of valid service of notice, nobody appears on behalf of the Respondent No. 2.

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

3. The appeal has been filed against the impugned order dated 09.02.2026 passed in A.B.P. No.68 of 2026 by the learned Additional Sessions Judge-I-cum Special Judge SC/ST (POA Act), Jamshedpur in connection with Kowali P.S. Case No.61 of 2024, registered for the offence under Sections 191(2), 190, 126(2), 127(2), 115(2) and 352 of the B.N.S. and under Section 3(1)(r)(s) of the SC/ST (PoA) Act whereby the prayer for grant of privilege of anticipatory bail of the appellants has been rejected. The case is presently pending in the court of the learned Additional Sessions Judge-I-cum-Special Judge SC/ST (PoA Act), Jamshedpur.

4. It has been submitted by the learned counsel for the appellants that it was a political dispute and in the FIR there was no reference to the offence under the SC/ST Act, but after conclusion of the election and the rival party having formed the Government, the present addenda has been made under the SC/ST (PoA) Act also. It has further been submitted by the learned counsel that merely using the word "*Aadivashi*" is not a crime. On the above basis, the prayer for anticipatory bail has been made.

5. On the other hand, learned counsel for the State has opposed the prayer for anticipatory bail and it has been submitted that the FIR itself suggests that abusive language has been used and as such none addition of the SC/ST (PoA) Act in the earlier FIR does not make any difference.

6. Having learned the learned counsel for the parties and from perusal of the records, it appears that the matter is in the political arena and the SC/ST (PoA) Act has been added after conclusion of the election and further merely the "*Aadivashi*" word has been used.

7. Considering the above facts, the appellants, above named, are directed to surrender in the Trial court within four weeks from the date of receipt/ production of the copy of this order and in the event of their arrest or surrender, they shall be enlarged on bail, on their furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned Additional Sessions Judge-

I-cum-Special Judge SC/ST (PoA Act), Jamshedpur in connection with Kowali P.S. Case No.61 of 2024 on the conditions as laid down under Section 482 B.N.S.S., 2023. Further, the appellants will submit self-attested photocopy of their Aadhaar Cards and also submit their mobile numbers 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.

8. In the result, the instant appeal stands allowed and disposed of.

(Rajesh Kumar, J.)

02 .11.2026
A. Mohanty

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____/____/2026