IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 748 of 2026
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1. Ramesh Verma, aged about 43 years, S/o Sri Lakhan Lal Mahto
2. Mihir Karmli @ Mihir Kumar Karwali, aged about 47 years, S/o Fuleshwar Karmali
3. Subhash Mahto @ Subhash Kumar, aged about 27 years, S/o Laxman Mahto
4. Bablu Kumar @ Binay Kumar @ Vinay Kumar, aged about 26 years, S/o Mahesh Mahto
5. Deepak Mahto @ Deepak Kumar Mahto, aged about 26 years, S/o Jagdish Mahto
6. Mukesh Mahto @ Mukesh Kumar, aged about 25 years, S/o Jit Lal Mahto

All resident of village-Jamahar, P.O.-Chandipur, P.S.-Kasmar, Dist-Bokaro, Jharkhand

.... …. Appellants

Versus

1. The State of Jharkhand
2. Lakhan Rajwar age not known, S/o Sri Ramdeo Rajwar, R/o Village-Jamhar, Chandipur, Madhukarpur, P.O. & P.S. Kaswar, Dist.-Bokaro

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Ms. Amrita Sinha, Advocate
For the State : Mr. Prabir Chatterjee, Spl.P.P.

Order No.02 / Dated : 14.09.2026.

I.A. No.10625 of 2026

1. The present interlocutory application has been filed for condoning the delay of 88 days occurred in preferring the criminal appeal.

2. Learned counsel for the State has opposed the prayer.

3. Considering the reason assigned in the interlocutory application, the present interlocutory application is hereby allowed and disposed of. Accordingly, delay in filing of the appeal is, hereby, condoned.

Cr. Appeal (S.J.) No. 748 of 2026

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

2. Heard learned counsel for the appellants and learned counsel for the State.

3. Since the maintainability issue in the present case is under consideration and as such, no notice has been issued.

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 25.11.2025 passed by the learned Additional Sessions Judge-I, Bokaro, in A.B.P No.891 of 2025 in connection with Kasmar P.S. Case No.134 of 2022, registered for the offence under Sections 341, 323, 353, 504, 506, 34 of the IPC and Sections 3(1)(r) 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, Bokaro.

6. It has been submitted by the learned counsel for the appellants that the present appeal is maintainable and no offence under the SC/ST Act is made out. Referring to Section 3(1)(r) of the SC/ST Act, it has been submitted that intention is necessary to constitute an offence under the SC/ST Act. Since there is no intention, offence under the SC/ST Act has not been made out. There is compromise arrived between the parties. On the above basis, prayer for anticipatory bail has been made.

7. On the other hand, learned counsel for the State has opposed the prayer for grant of anticipatory bail stating that it is non-compoundable. Further, it is an offence under Section 3(2)(va) and if read with Section 8(c) of the SC/ST Act then, Section 18 of the said Act gets attracted. Thus, the anticipatory bail of the appellants is not maintainable, and as such, the appellants do not deserve the privilege of anticipatory bail.

8. Having heard the learned counsel for the parties and on perusal of the record, it appears that the offence under Section 3(2)(va) of the SC/ST Act is made out and parties are known to each other and as such, Section 18 of the SC/ST Act gets activated.

9. Considering the above facts, I am not inclined to grant privilege of anticipatory bail to the appellants. Accordingly, the present criminal appeal is, hereby, dismissed.

(**Rajesh Kumar, J.**)

14.09.2026
Pawan/
Uploaded on 15.09.2026