IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 613 of 2026

Rajesh Ranjan, aged 29 years, S/o Loknath Mandal, R/o Village-Kharkho, P.O. Charghara, P.S. Jamua, Dist.-Giridih
.... …. Appellant

Versus

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

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Prabhash Ch. Sinha, Advocate
For the State : Mr. Anup Pawan Topno, APP

Order No.03 / Dated : 07.09.2026.

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

2. Heard learned counsel for the appellant, learned counsel for the State.

3. In spite of valid service of notice, nobody has appeared on behalf of the victim/ respondent No.2.

4. The present appeal has been filed against the order dated 21.05.2026 passed by the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Giridih in A.B.P No.692 of 2026 in connection with Giridih (M) P.S. Case No.72 of 2026, for the offence under Sections 64/334(1) of the BNS, 2023 and Section 3 (I)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of the appellant has been rejected. The case is presently pending in the Court of learned Special Judge, SC/ST Act, Giridih.

5. It has been submitted by the learned counsel for the appellant that both the parties are employees of the same organization and there was a misunderstanding between them. The victim has made a compromise and she has not stated anything in her statement and the police in supervision report had removed all the sections except section 74 of the

BNS, 2023. On the above basis, prayer for anticipatory bail has been made.

6. On the other hand, learned counsel for the State has opposed the prayer for grant of anticipatory bail stating that a member of weaker section of the society has been exploited. The victim has clearly stated regarding the allegation, as such, the appellant does not deserve the privilege of anticipatory bail.

7. Having heard learned counsel for the parties and from perusal of the Parliamentary Law, it is quite evident that whenever an offence under the SC/ST (POA) Act is made out, Section 18 of the same Act gets attracted and the jurisdiction of the Court gets barred so far as grant of anticipatory bail is concerned.

8. So far as the facts of the present case is concerned, reference may be made to the Sections 3(2)(v), 3(2)(va) and 8(c) of the SC/ST (POA) Act, 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;."*
> ***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."*

Thus, whenever an offence having ten years of punishment is made out 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 SC/ ST (POA) Act gets activated and in such a scenario, prayer for grant of anticipatory bail cannot be allowed.

9. Considering the above fact, I am not inclined to grant privilege of anticipatory bail to the appellant. Accordingly, the present criminal

appeal is, hereby, dismissed.

(**Rajesh Kumar, J.**)

07.09.2026
Pawan/
Uploaded on 09.09.2026