IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 656 of 2026

Deepak Bharthuar @ Munna Bhardwaj @ Deepak Kumar Bharthuar, aged 57 years, S/o Late Ramchandra Prasad, R/o 100, Near DAV Kapildeo School, Kadru New A.G. Co-operative Colony, P.O. & P.S.-Argora, District-Ranchi, Jharkhand .... …. Appellant

Versus

1. The State of Jharkhand
2. Fagu Munda, S/o Late Kamal Nath Munda, R/o Village-Dahu Toli, Sukurhuttu, P.O.-Sukurhuttu, P.S.-Kanke, District-Ranchi

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Rahul Kumar, Advocate
For the State : Mr. Pankaj Kumar Mishra, APP
For the Informant/Victim : Mr. Gaurav, Advocate

Order No.04 / Dated : 16.09.2026.

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

3. 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.

4. The present appeal has been filed against the order dated 19.06.2026 passed by the learned A.J.C.-II-cum-Special Judge, SC/ST Act, Ranchi in A.B.P No.1366 of 2026 arising from Kanke P.S. Case No.103 of 2026, registered for the offence under Sections 190, 191(2), 191(3), 111(2), 316(2), 318(4), 336(3), 340(2), 308(4), 308(5), 351(2), 338 of the BNS, 2023 and Section 3(1)(f)(s) 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 A.J.C.-II-cum-Special Judge, SC/ST Act, Ranchi.

5. It has been submitted by the learned counsel for the appellant that the offence upon which the present proceeding is pending, has already been quashed by the Co-ordinate Bench of this Court vide order dated

10.07.2026 passed in Cr.M.P. No.1984 of 2026 and order dated 23.07.2026 passed in Cr.M.P. No. 2023 of 2026. It has further been submitted that there is a concept of offence, not an offender. If once an offence has been quashed on the basis of compromise between the parties, then there is no proceedings in the eye of law, rather continuation of this proceeding is contrary to legal regime as established by law. On the above basis, prayer for anticipatory bail has been made.

6. Learned counsel for the State and the learned counsel for the respondent No.2 have opposed the prayer for anticipatory bail, but could not dispute the above factual matrix.

7. Considering the above facts, I am inclined to grant anticipatory bail to the appellant. Accordingly, the appellant, named above, is 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 his arrest or surrender, he shall be enlarged on anticipatory bail, on his furnishing bail bond of Rs.10,000/- (Rs. Ten Thousand) each with two sureties of the like amount each, to the satisfaction of learned A.J.C.-II-cum-Special Judge, SC/ST Act, Ranchi, in connection with Kanke P.S. Case No.103 of 2026, 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.

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

(**Rajesh Kumar, J.**)

16.09.2026
Pawan
Uploaded on 17.09.2026