IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J) No.603 of 2025

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1. Dhaneshwar Yadav, aged about 54 years, Son of Kartik Yadav,
2. Girdhari Yadav, aged about 53 years, Son of late Ganesh Prasad Yadav,
3. Ashok Yadav @ Ashok Kumar Yadav, aged about 44 years, Son of late Ganesh Prasad Yadav,
4. Kundan Jha @ Kundan Kumar @ Kundan Kumar Jha @ Nunubhai Jha, aged about 24 years, Son of Chabbeshwar Jha,
5. Prakash Raut, aged about 22 years, son of Mithlesh Raut,
6. Nephari Rajak, aged about 38 years, son of Jhagru Rajak,

Appellant No. 1 to 3 are resident of village- Kairbank, P.O. & P.S. Rikhiya, Dist. Deoghar.

Appellant No. 4 and 5 are resident of village- Harlajori, P.O. & P.S.- Rikhiya, Dist. Deoghar.

Appellant No. 6 is resident of village- Pahariya, P.O. & P.S. – Chakai, Dist. Jamui (Bihar). **…. …. Appellants**

-Versus-

1. The State of Jharkhand
2. Jivan Rajak, s/o Late Dhokal Rajak, resident of Village- Kairbank, P.O. & P.S. – Rikhiya, Dist. Deoghar. **…. …. Respondent(s)**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Pran Pranay, Advocate
For the State : Mr. Santosh Kumar Shukla, A.P.P
For the Respondent No.2 : Mr. Niranjan Kumar, Advocate

10/Dated: 23.11.2026

1. Heard learned counsel for the parties.

2. The order dated 05.08.2026 reads as under: -

> *"As prayed for by the learned counsel for the appellants, list this case after two weeks.*
> *2. In the meantime, the respondent-State is directed to produce the material suggesting that the victim is a member of SC/ST community and the accused are member of non-SC/ST community."*

3. In compliance of the order, an affidavit has been filed by learned counsel for the respondent-State suggesting that one of the accused as well as the victim are member of the protected community. The alleged crime has to be committed by the non-members against a member of the community.

4. The present criminal appeal has been filed under Section 14-(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 for grant of anticipatory bail though the same bars under Section 18 of the SC/ST (PoA) Act.

The present appeal has been filed against the order dated 25.04.2025 passed by the learned Additional Sessions Judge-I-cum Special Judge, Deoghar rejecting the prayer of anticipatory bail of the appellants in A.B.P. No. 273 of 2025 in connection with Rikhiya P.S. Case No.38 of 2025, registered for the offence under Sections 126(2), 115(2), 352, 351(2), 3(5) of the BNS, 2023 and under Section 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The case is now pending in the court of learned Additional Sessions Judge-I-cum Special Judge, Deoghar.

5. It has been submitted by the learned counsel for the appellants that since it is a crime committed by a group of members, and the group is not on caste lines rather, one of the member of the group is from the community and as such, no offence is made out under the SC/ST Act, and further the other offences are bailable.

6. Learned counsel for the victim has opposed the prayer for anticipatory bail of the appellants and has submitted that some of the accused are non-member of the community. It is a crime by the non-member against the member of the community.

7. Since in this case, the formation of group is not on the basis of caste or tribe and as such, Section 18 of the SC/ST Act does not get attracted, 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, Deoghar in connection with Rikhiya P.S. Case No.38 of 2025, on the conditions as laid down under Section 482 of the B.N.S.S., 2023. Further, the appellants will submit self-attested photocopy of their Aadhaar Card(s) and also submit their mobile number(s) before the learned trial court which 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.)

Dated: 23.11.2026
Vedanti/
Uploaded on 25.11.2026