IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 786 of 2026

Rahul Kumar Singh, aged about 25 years, S/o Ganori Singh, R/o Village-Jamnikola, P.O.-Baiharkunda (Ghormara) & P.S.-Taljhari, Dist.-Dumka, Jhakhand .... …. Appellant

Versus

1. The State of Jharkhand
2. Arun Das, S/o Tanu Das, R/o Village-Jamnikola, P.O.-Baiharkunda (Ghormara) & P.S.-Taljhari, Dist.-Dumka, Jhakhand

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Arun Kumar, Advocate
For the State : Mr. Bishambhar Shastri, APP
For the Informant/Victim : Mr. Prathik, Adv.

Order No.04/ Dated : 28.10.2026.

1. The present appeal has been filed under Section 14-(A)(2) 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 17.07.2026 passed by the learned Additional Sessions Judge-I, Dumka in A.B.P No.226 of 2026 in connection with Taljhari P.S. Case No.16 of 2025, registered for the offence under Sections 126(2), 115(2), 118(1), 117(1), 109(1), 303(2), 352, 351(3), 3(5) of the BNS, 2023 and Sections 3(1) (X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act whereby prayer for grant of anticipatory bail of the appellant has been rejected. The case is presently pending in the Court of learned Additional Sessions Judge-I, at Dumka.

5. It has been submitted by the learned counsel for the appellant that the alleged date of incident as per the informant is 09.01.2025, but the FIR has been lodged on 12.02.2025. Thus, there is a delay of more than a month in lodging the FIR. Further, as per allegation, there is assault on the head, but the injury is one month back and it is manipulated incident as

there was also a money transaction between the parties. It is nothing but misuse of protective provision of the SC/ST Act. 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 stating that there is specific allegation of assault against this appellant and as such, offence under the SC/ST Act is made out and Section 18 of the said Act gets activated.

7. Having the heard the parties and on perusal of the records, it appears that the injury is more than a month back and upon that the present FIR has been lodged.

8. 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) with two sureties of the like amount each, to the satisfaction of learned Additional Sessions Judge-I, at Dumka, in connection with Taljhari P.S. Case No.16 of 2025, 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.

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

(**Rajesh Kumar, J.**)

28.10.2026
Pawan
Uploaded on 29.10.2026