IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J) No.811 of 2026

Ujjawal Kumar Prasad @ Ujjwal Kumar Prasad, aged about 33 years, Son of Late Uday Kumar Prasad, Res. of vill- Gandhi Nagar, Palkot, P.O. & P.S.- Palkot, Dist.- Gumla. **…. …. Appellant(s)**

-Versus-

1. The State of Jharkhand
2. Muno Devi @ Muni Devi, aged about 45 years, W/o Late Tilakmain Ram, Res. of vill- Harijan Toli Palkot, P.O. and P.S. – Palkot, Dist. Gumla.

…. …. Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Kumar Nishant, Advocate
For the State : Mr. Santosh Kumar Shukla, A.P.P
For the Respondent No.2 : Mr. Ritesh Kumar, Advocate

05/Dated: 30th September, 2026

1. Heard the learned counsel for the parties.

2. In compliance of the order dated 16th September, 2026, Mr. Ramchandra Yadav, Sub-Inspector, Palkot Police Station, Gumla is physically present before this Court and has submitted that he has found during investigation that this land in question is in possession of the victim and there was a piggery farm. Further, boundary wall has been demolished.

3. The present criminal appeal has been filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, [in Short SC/ST (PoA) Act], 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 06.07.2026 passed by the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Gumla in A.B.P No.259 of 2026, whereby the prayer for anticipatory bail of the appellant has been rejected in connection with Palkot P.S. Case No.21 of 2026, registered for the offence under Sections 310(2), 324(5), 331(4), 126(2), 115(2), 74 and 351(2) of the BNS, 2023 and Sections 3(1)(r), 3(1)(g) and 3(2)(v) 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 (SC/ST Act), Gumla.

4. It has been submitted by the learned counsel for the appellant that the FIR is against a dead person and he has been subsequently roped in as being the son of the named person in the FIR. There is no witness to the alleged incident. He is not named in the FIR. It has further been submitted that the land, in question, is in possession of the appellant and as such he is not a aggressor party. On the basis of the above, prayer for grant of anticipatory bail of the appellant has been made.

5. Learned counsel for the State and learned counsel for the respondent No.2 has opposed the prayer for grant of bail of the appellant.

6. Law is settled that criminal law is concerned with the possession and on that basis, aggressor has got defined. In the present case, the appellant is the aggressor who has disturbed possession of the member of a protected community and as such, offence under SC/ST (PoA) Act is made out. Once the offence under the SC/ST (PoA) Act is made out, Section 18 of the said Act gets activated, barring the jurisdiction of the Court. I find no merit in the present criminal appeal.

7. In that view of the matter, I find no reason to interfere with the impugned order and grant the privilege of anticipatory bail to the appellant. Accordingly, the present criminal appeal stands dismissed.

8. The personal appearance of the abovementioned official is hereby, dispensed with.

(Rajesh Kumar, J.)

Dated: 30th September, 2026
Vedanti/
Uploaded on 01.10.2026