IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (SJ) No. 844 of 2026

1.Banwari Saw, aged about 58 years, son of Late Sukan Saw, resident of Bhagwaniya, P.O. & P.S. Sadar, District- Chatra (Jharkhand).
2.Binod Kumar Saw, aged about 48 years, son of Late Damodar Saw, resident of Bhagwaniya, P.O. & P.S. Sadar, District- Chatra (Jharkhand)

…..... **Appellant(s)**

Vrs.

1.The State of Jharkhand
2. Rameshwar Rajak, aged about 80 years, son of Late Sukhlal Rajak, resident of Bhagwaniya, P.O. + P.S.- Chatra, District- Chatra, (Jharkhand)

..... **Respondent(s)**

…....

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant(s) : Mr. Shailesh Kr. Pandey, Advocate
For the State : Mr. Sardhu Mahto, A.P.P.

02/03.09.2026 Heard learned counsel for the appellants and learned counsel for the State. Since, maintainability is an issue which is being decided, therefore, no notice is required to be issued to the victim.

2. The present appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, though the same bars under Section 18 of the SC/ST (POA) Act.

3. The present appeal is directed against the order dated 03.07.2026 passed by the learned Additional Sessions Judge-I in A.B.P. No. 955 of 2026 arising out of SC/ST P.S. Case No. 06 of 2025 registered for the offence under Sections 126(2), 115(2), 117(2), 109, 303(2), 324(4), 352, 351(2), 3(5) of the B.N.S., 2023 and Sections 3(1)(r) / 3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989 whereby and whereunder the prayer of the appellants for grant of anticipatory bail has been rejected. The case is presently pending before the court of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST, Chatra.

4. Learned counsel for the appellants has submitted that there is a land dispute between the parties and F.I.R has been lodged after a period of one month and as such, no offence under the SC/ST Act is

made out. Therefore, the prayer for anticipatory bail is maintainable.

5. On the other hand, learned counsel for the State has opposed the prayer for grant of anticipatory bail to the appellants.

6. 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.

7. 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;."*
>
> ***(2) (va)** commits any offence specified in the Schedule, 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 such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to 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 a scheduled offence is made out and the parties are known to each other, then the SC/ ST (POA) Act gets attracted and once the SC/ ST (Prevention of Atrocities) Act gets attracted, Section 18 of the SC/ ST (Prevention of Atrocities) Act gets activated and in

such a scenario, prayer for grant of anticipatory bail cannot be allowed.

8. In the present case, there is a clear-cut allegation under Section 323 IPC (corresponding Section 115(2) of BNS) and the parties are known to each other. In that view of the matter, I am not inclined to grant the privilege of anticipatory bail to the appellants.

9. Accordingly, the present criminal appeal stands dismissed

(Rajesh Kumar, J.)

03.09.2026
A. Mohanty

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