2026:JHHC:26863

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.848 of 2026

Guddu Routiya @ Rajesh Bhagat, aged about 37 years, S/o – Bigan Bhagat, R/o – Village – Chhatarpur, P.O & P.S. - Chainpur, District – Gumla, Jharkhand. **.....** **Appellant**

Versus

1. The State of Jharkhand
2. Nupur Kumari, D/O Late Basant Ram, R/O Prem Nagar, Chainpur, P.O & P.S. - Chainpur, District – Gumla (Jharkhand). **.....** **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. K. S. Nanda, Advocate
For the State : Mr. Subodh Kr. Dubey, A.P.P

Order No.02/ Dated: 07th September, 2026

1. Heard learned counsel for the appellant and learned counsel for the State.

2. The present appeal has been filed under Section 14 A(2) of the Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act, 1989 [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 23.07.2026, passed by the court of learned Additional Sessions Judge–I -cum- Special Judge, Gumla, in A.B.P No.319 of 2026, whereby the prayer for grant of anticipatory bail to the appellant has been rejected in connection with Chainpur P.S. Case No.23 of 2026, registered for the offence under Sections 109(1)/ 118(2)/ 117(2)/ 329(3)/ 126(2)/ 351(2)/ 3(5) of the BNS, 2023 and Sections 3(1)(f) and 3(1) (s) of the SC/ ST (POA) Act, pending in the court of learned Additional Sessions Judge–I -cum- Special Judge, Gumla.

3. It has been submitted by the learned counsel for the appellant that no offence under the SC/ST (POA) Act, is made out and as such the prayer for anticipatory bail is maintainable. It has been submitted that there is a land dispute between the parties and there is no allegation of

assault against this appellant. On the above basis, prayer for anticipatory bail has been made.

4. On the other hand, learned counsel for the State has opposed the prayer for grant of anticipatory bail to the appellant. It has been submitted that Section 18 of the SC/ ST (POA) Act, gets attracted in the present case as there is a clear cut allegation of assault and as such the offence under Section 323 of IPC [corresponding 115(2) BNS] is made out which is a scheduled offence and further, the parties are known to each other.

5. Having heard learned counsel for the parties and from perusal of the Parliamentary Law, it appears that a schedule offence is made out as per Section 3(2)(va) of the SC/ ST (POA) Act and considering the mandate of Section 8(c) of the SC/ ST (POA) Act, this Court finds that Section 18 of the Act, gets activated and as such the anticipatory bail application is not maintainable.

In view of above finding, no notice is required to be issued to the victim/ respondent No.02 as the case has been held to be not maintainable.

6. In that view of the matter, I find no reason to interfere with the impugned order accordingly, the present criminal appeal stands dismissed.

(Rajesh Kumar, J.)

07th September, 2026
Ravi-Chandan/-
Uploaded on 08.09.2026