2026:JHHC:26864

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.849 of 2026

Suresh Prajapati, aged about 36 years, son of Dhaneshwar Prajapati, Resident of Village Jatang Bagi, P.O Barkakalan, Ratanpur, P.S. Ichak, District Hazaribagh..... **Appellant**

Versus

1. The State of Jharkhand
2. Ravi Kumar Das, Son of Kailash Ravidas, resident of Village – Shyampatti, P.O and P.S. Charhi, District - Hazaribagh. ..... **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Manish Kumar, Advocate
For the State : Ms. Vandana Bharti, 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 21.07.2026, passed by the court of learned Additional Sessions Judge–I, Hazaribagh, in A.B.P No.1133 of 2026, whereby the prayer for grant of anticipatory bail to the appellant has been rejected in connection with SC/ ST P.S. Case No.18 of 2022 (SC/ ST Case No.66 of 2025), registered for the offence under Sections 147/ 148/ 149/ 323/ 324/ 341/ 504/ 506 of the Indian Penal Code and Section 3(1)(s) of the SC/ ST (POA) Act, pending in the court of learned Additional District Judge–I -cum- Special Judge, SC/ ST Act, Hazaribagh.

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 regarding fruit shop between the parties and further,

the injuries are simple in nature. 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 the 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