IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (SJ) No. 916 of 2026

Sanjay Kumar @ Sanjay Mishra, aged about 43 years, S/o- Devendra Singh, R/o- Flat No. 8, Niranjan Singh Complex, Ganga Apartment, Dimna Road, Mango, P.O. & P.S. Mango, District- East Singhbhum

…..... **Appellant(s)**

Vrs.

1.The State of Jharkhand
2. Suchitra Sardar, W/o Late Hiten Sardar, Vill Kowali, P.O. & P.S. Kowali, Dist:- Jamshedpur (East Singhbhum)

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

…....

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant(s) : Mr. P.A.S. Pati, Advocate
For the State : Ms. Sharda Kumari, A.C to P.P.

02/23.09.2026 Heard learned counsel for the appellant and learned counsel for the State.

2. The present appeal has been filed under Section 415(2) of the BNSS, 2023 and Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of anticipatory bail to the appellant, though the same is barred under Section 18 of the SC/ST (POA) Act.

3. The present appeal is directed against the order dated 20.07.2026 passed by the learned Additional Sessions Judge-I-cum-Special Judge SC/ST(POA) Act, Jamshedpur in A.B.P. No. 678 of 2026 arising out of Kowali P.S. Case No. 03 of 2026 registered for the offence under Sections 318(4), 316(2), 352, 351(2) of the B.N.S., 2023 and Section 3(1)(r) of the SC/ST (Prevention of Atrocities) Act whereby the prayer of the appellant 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 Act, Jamshedpur.

4. It has been submitted by learned counsel for the appellant that since no allegation of abusement is against this appellant, and as such, no offence is made out under the SC/ST Act and consequently bar of

Section 18 of the SC/ST Act does not get attracted in the present case. Further, there is no allegation of abusement against this appellant save and except acceptance of cheque for construction of toilets under the Scheme ‘Swachh Bharat Mission”. On the above basis, learned counsel for the appellant has prayed for grant of anticipatory bail to the appellant.

5. On the other hand, learned counsel for the State has opposed the prayer for grant of anticipatory bail to the appellant and stated that the offence under the SC/ST Act is made out as a person belonging to poorer section of the society has been defrauded.

6. It has been further submitted by learned counsel for the State that ***Section 3(2)(v)*** and ***Section 3(2)(va)*** of the SC/ST act clearly stipulates that if the parties are known to each other and the Scheduled offence under Section 3(2)(v) has been committed then Section 18 of the SC/ST Act gets activated. Even if Section 18 of the SC/ST Act is not attracted, since the person belonging to poorer section of society has been defrauded, at least it is not a case for grant of anticipatory bail.

7. Having heard learned counsel for the parties and perusal of the record, it appears that government money has been released for construction of ‘toilets under the government scheme and that money has been siphoned by group of accused including this appellant.

8. In that view of the matter, I am not inclined to grant the privilege of anticipatory bail to the appellant.

9. Accordingly, the present criminal appeal stands dismissed.

(Rajesh Kumar, J.)

23 .09.2026
A. Mohanty

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____/____/2026