IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (SJ) No. 898 of 2026

1.Bhudeo Singh, aged about 55 years, son of Lt. Koki Singh resident of vill-Gardih, P.O.- Ambataand & P.S.- Dhanwar, District- Giridih
2.Mina Devi, aged about 61 years, wife of Lt. Bigan Singh, Resident of vill-Gardih, P.O.- Ambataand & P.S.- Dhanwar, District- Giridih

…..... **Appellant(s)**

Vrs.

1.The State of Jharkhand
2. Yashoda Devi, aged about 38 years, D/O- Baleshwar Ravidas, Resident of Vill- Gardih, P.O.- Ambataand, P.S.- Dhanwar, District- Giridih

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

…....

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant(s) : Mr. Ranesh Anand, Advocate
For the State : Mr. Ajay Kr. Pathak, A.P.P.

02/16.09.2026 Heard learned counsel for the appellants and learned counsel for the State. Since, preliminary issue of maintainability is to be decided, as such, no notice is required to be issued to the victim-respondent no. 2

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

3. The present appeal is directed against the order dated 22.07.2026 passed by the learned Additional Sessions Judge-I-cum-Special Judge SC/ST(POA), Giridih in A.B.P. No. 1045 of 2026 arising out of Dhanwar P.S. Case No. 152 of 2025 registered for the offence under Sections 126(2), 115(2), 117(2), 118(1), 352, 351(2), 3(5) of the B.N.S., 2023 and Sections 3(1)(r) (s) of the SC/ST (Prevention of Atrocities) Act, 1989 whereby 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(POA), Giridih.

4. The present appeal has been preferred by the appellants stating

that no SC/ST Act is made out and as such, prayer for anticipatory bail is maintainable. Learned counsel for the appellants has submitted that the allegation of abuse by taking name of the caste by the appellants is in the premises and not within the public view and there is a land dispute between the parties for which reference has been made to the report of the Circle Officer, Dhanwar dated 23.10.2024 (Annexure-2) whereby a proceeding under Section 163 of the B.N.S.S., 2023 has been initiated (Annexure-3) but the same has been dropped saying that it is a civil dispute between the parties.

5. It has been further submitted by learned counsel for the appellant that since it is a civil dispute between the parties, hence the offence under the SC/ST Act is not attracted as per the judgment rendered by the Hon'ble Supreme Court in the case of ***Hitesh Verma Vs. The State of Uttarakhand*** reported in ***2020(10) SCC 710***. As such, the prayer for anticipatory bail is maintainable and Section 18 of the SC/ST Act does not get attracted.

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

7. Having heard learned counsel for the parties and from perusal of the record, it appears that there is a scheduled offence u/s 3(2)(va) of the SC/ST Act, which is quoted herein below:-

> *" **3. Punishment for offences of atrocities**.—*
> ***(1). ……***
> ***(2) (v) ……..."***
> ***(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. It further appears that parties are known to each other and as such offence under the SC/ST Act is made out and once the offence under the SC/ST Act is made out, section 18 of the SC/ST Act gets

activated. Meaning thereby, that the criminal appeal with prayer for grant of anticipatory bail is not maintainable.

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

10. Accordingly, the present criminal appeal stands dismissed.

(Rajesh Kumar, J.)

16 .09.2026
A. Mohanty

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