IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 1029 of 2026
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1. Pawan Kumar Yadav, aged about 39 years, S/o Hati Yadav, R/o Naitand, P.O. & P.S.-Bengabad, Dist.-Giridih.
2. Rahul Yadav, aged about 35 years, S/o Chuto Yadav, R/o Taratand, P.O. & P.S.-Bengabad, Dist.-Giridih

.... …. Appellants

Versus

1. The State of Jharkhand
2. Chotu Das, S/o Budhu Das, R/o Village-Taratand, P.O. & P.S.-Bengabad, Dist.-Giridih

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Kamdeo Pandey, Advocate
Mr. Virendra Kumar, Advocate
For the State : Mr. Sardhu Mahto, A.P.P.

Order No.02 / Dated : 26.10.2026.

1. The present appeal has been filed under Section 14-A (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard learned counsel for the appellants and learned counsel for the State.

3. No notice is required to be issued as the maintainability issue is under consideration.

4. Although Section 18 of the SC/ST (PoA) Act bars the grant of anticipatory bail, such bar would not apply in case where no *prima facie* offence under the Act is made out.

5. The present appeal has been filed against the order dated 17.08.2026 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (PoA), Giridih in A.B.P No.1304 of 2026 in connection with Bengabad P.S. Case No.74 of 2026, registered for the offence under Sections 126, 109(1), 352, 351(2), 3(5) of BNS and Section 3(1)(r)(s) and 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of the appellants has been rejected. The case is presently pending in the Court of learned Additional Sessions Judge-I-cum-special Judge, SC/ST (PoA), Giridih.

6. It has been submitted by the learned counsel for the appellants that

no offence under the SC/ST Act is made out, rather there is false and frivolous allegation against the appellants. Further, the protective legislation has been misused to settle the other dispute. Thus, the prayer for anticipatory bail is maintainable. On the above basis, prayer for anticipatory bail has been made.

7. On the other hand, learned counsel for the State has opposed the prayer for grant of anticipatory bail. By referring to Section 3(ii)(va) and Section 8(c) of the SC/ST Act, learned APP has submitted that if a scheduled offence has been committed and the parties are known to each other then Section 18 of the said Act gets activated.

8. Having heard the learned counsel for the parties and on perusal of the record, it appears that the since offence under the SC/ST Act is made out, Section 18 gets activated. This Court finds that the original Court has rightly held that the anticipatory bail is not maintainable.

9. Accordingly, the present criminal appeal is, hereby, dismissed.

(**Rajesh Kumar, J.**)

26.10.2026
Pawan/
Uploaded on 27.10.2026