IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J) No.1084 of 2026

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1. Rahul Kumar, aged about 26 years
2. Om Prakash Sahu, aged about 37 years,
3. Surya Prakash Kumar @ Shuru Sahu @ Sury Prakash Kumar, aged about 34 years
4. Pramod Kumar, aged about 32 years,

All son of Shyam Sundar Sahu, Resident of Village Karanji, P.O. Khatri, Khatanga, P.S. Bero, District Ranchi Jharkhand

…. …. Appellant(s)

-Versus-

1. The State of Jharkhand
2. XXXX **…. …. Respondent(s)**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Avishek Prasad, Adv.
For the State : Mr. Rakesh Ranjan, A.P.P

02/Dated: 18th November, 2026

1. Heard the learned counsel for the appellants and the learned A.P.P appearing for the State.

2. Since there is an issue of maintainability and as such, no notice is required to be issued to the victim/respondent No.02.

3. The present criminal appeal has been filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) 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 11.09.2026 passed by the learned Additional Judicial Commissioner-II-cum-Special Judge, SC/ST (PoA) Act, Ranchi in A.B.P No.1847 of 2026, whereby and whereunder the prayer for grant of anticipatory bail to the appellants has been rejected in connection with Bero P.S. Case No.77 of 2025, registered for the offence under Sections 126(2), 115(2), 352, 351(2), 324(2), 74 & 3(5) of the ***B.N.S, 2023*** and Section 3(1)(r) & 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The case is presently pending in the court of learned Additional Judicial Commissioner-II, Ranchi.

4. It has been submitted by the learned counsel for the appellants that although it is a scheduled offence, but there is no corresponding amendment in the SC/ST (PoA) Act and the provisions under the Indian Penal Code has already been repealed, as such, scheduled offence carries no meaning and Section 18 of the SC/ST Act will not get activated on allegation of the scheduled offence. It has further been submitted that the parties are neighbour and there is a dispute regarding the 'Nala' and due to which the scuffle has taken place between them. There is a case and counter case between the parties. The appellants have alleged the offence under Section 307 of the Indian Penal Code against the opposite party. There is no specific allegation which word has been pronounced by whom. On the above basis, prayer for anticipatory bail has been made.

5. Learned counsel for the State has opposed the prayer for grant of anticipatory bail to the appellants and it has been submitted that scheduled offence has been committed. It is a protective legislation to protect to the weaker sections of the society. The modesty of female has been outraged and the parties are known to each other, and as such, scheduled offence is made out.

6. Heard the parties and perused the record. It appears that there is a clear-cut mandate of the SC/ST Act that a particular type of offence has been categorised as a scheduled offence. Although, there is no corresponding amendment in the SC/ST Act as the Indian Penal Code has been repealed and there should have been amendment but that will not affect the SC/ST (PoA) Act as because the intention of the legislature is very much clear categorizing offences as a schedule offence. In the present case, the allegation clearly suggests the commission of scheduled offence and the parties are known to each and as such Section 18 of the SC/ST (PoA) Act gets activated.

7. In that view of the matter, I find no reason to interfere with the impugned order and grant the privilege of anticipatory bail to the appellants. Accordingly, the present criminal appeal stands **dismissed**.

(Rajesh Kumar, J.)

Dated: 18th November, 2026
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