IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J) No.45 of 2026

Bhola Mahto @ Rajkumar Mahto, aged about 36 years, son of Meghnath Mahto, resident of Village Guru, P.O. Pancha, P.s. Ormanjhi, District Ranchi, Jharkhand **…. …. Appellant(s)**

-Versus-

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

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Mahesh Tiwari, Adv.
: Mr. Ritesh Kumar Mahto, Adv.
For the State : Mr. Subodh Kr. Dubey, A.P.P
For the Victim : In Person

06/Dated: 30th September, 2026

1. Heard the parties.

2. The present criminal appeal has been filed under Section 14-A 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 01.12.2025 passed by the learned Additional Judicial Commissioner-II, Ranchi-cum-Special Judge, SC/ST Act, Ranchi in A.B.P No.3042 of 2025, whereby and whereunder the prayer for grant of anticipatory bail of the appellant has been rejected in connection with SC/ST P.S. Case No.48 of 2025, registered for the offence under Sections 74, 308(2), 351(3) & 3(5) of the BNS, 2023 and Sections 3(1)(r), 3(1)(s) & 3(1)(w)(i) 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-cum-Special Judge, SC/ST Act, Ranchi.

3. It has been submitted by the learned counsel for the appellant that no offence under the SC/ST (PoA) Act is made out as:-

(i) There is no abusement in a public view.

(ii) There is allegation of commercial transaction, but the Bank statement which has been kept on record suggests that no such transactions had taken place.

(iii) There was a dispute between the parties with regard to some land transaction and for that purpose this false and frivolous case has been lodged.

(iv) It is in a political arena as the victim wanted to join the political party and due to that *malafide* intention, the present case has been lodged.

(v) An informatry petition has also been filed before the Trial Court by the alleged victim that he may be roped in a false and frivolous case.

4. The victim has appeared, *in person*, who has opposed the prayer for grant of anticipatory bail to the appellant stating that there is a clear-cut case of scheduled offence as described under Sections 3(2)(v)(a) of the SC/ST (PoA) Act, and as such, Section 18 of the said Act gets activated. The prayer for anticipatory bail is not maintainable.

5. Having heard the learned counsel for the parties and from perusal of the F.I.R, it appears that the there is an allegation of sexual assault which is a scheduled offence under Sections 3(2)(v)(a) of the SC/ST (PoA) Act. Section 8 (C) of the SC/ST Act states that if a scheduled offence is made out and the parties are known to each other, then the caste of the victim is presumed to be known to the accused. Once of the offence under the SC/ST Act is made out, Section 18 of the said Act gets activated barring the jurisdiction of the Court to entertain the anticipatory bail.

6. In the present case, Section 18 of the SC/ST has got activated and as such, this Court finds no reason to interfere with the impugned order and grant the privilege of anticipatory bail to the appellant. Accordingly, the present criminal appeal stands **dismissed**.

(Rajesh Kumar, J.)

Dated: 30th September, 2026
Raja/- Uploaded on 01.10.2026