

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No.99 of 2026

Deepak Kumar @ Deepak Kumar Gupta, aged about 40 years, Son of Sri
Ashok Kumar Gupta, Resident of Old Check Post, Hurhuru, P.O.-
Hurhuru, P.S.- Sadar, Dist.- Hazaribag ... Appellant

Versus

1. The State of Jharkhand
2. Madhu Balmiki, Wife of Om Prakash Ram, Resident of Ravidas
Mohalla, Hurhuru, P.O. - Hurhuru, P.S.- Bara Bazar O/P, Hazaribag
Sadar, Dist.- Hazaribag ... Respondents

For the Appellant : Mr. Navin Kumar, Advocate
Mr. Akash Deep, Advocate
For the State : Mr. Arup Kr. Dey, Addl. P.P.
For the Resp. No.2 : Md. Razaullah Ansari, Advocate

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This Criminal Appeal has been preferred against the order dated
09.12.2025 passed by the learned Additional Sessions Judge-VI-cum-
Special Judge, SC/ST Act Cases, Hazaribagh in Cri. Misc. Case No.2095
of 2025 arising out of Sadar P.S. Case No.134 of 2024 whereby and
where under the learned Special Judge has rejected the regular bail
petition filed by the appellant.

3. The allegation against the appellant is that the appellant took
Rs.11,00,000/- as advance to sale the land. The amount was transferred
to the account of the appellant but he did not sale the land. When the
money was demanded back, the appellant issued four cheques in total
for Rs.7,60,000/-; one of which was for Rs.1,60,000/- which has been
encashed by the respondent No.2 but the remaining three cheques of

Rs.2,00,000/- each were dishonoured in respect of which the respondent No.2 filed a separate complaint case vide Complaint Case No.3940 of 2023. The allegation in this case is that on 07.11.2023, the appellant invited the respondent No.2 and her husband to his house and when the respondent No.2 and her husband reached the house of the appellant, the appellant abused the husband of the respondent No.2 by using filthy language and also used abusive language relating to the caste of the appellant, came near the respondent No.2 and attempted to touch her inappropriately and on being protested, the accused persons of the case did '*Marpit*' (Beating) with the husband of the respondent. The learned Special Judge, SC/ST Act Cases, in the impugned order, considered that the investigation of the case is going on and the appellant evaded his appearance. After no coercive order passed by this Court was vacated by this Court in Criminal Appeal (SJ) No.773 of 2024, police arrested the appellant and produced him in court on 20.11.2025 and since then the appellant has been in custody and rejected the prayer for bail.

4. Learned counsel for the appellant submits that the learned Special Judge, SC/ST Act failed to appreciate the fact that though for the same allegation on 01.12.2023, the informant filed Complaint Case No.3940 of 2023 but there is no reference in the said complaint regarding the occurrence which allegedly took place on 07.11.2023; in the said complaint on which date, the offences punishable under the penal provisions of Scheduled Castes and Scheduled Tribes (Prevention

of Atrocities) Act, 1989 and the occurrence of '*Marpit*' (Beating), as per the complainant already took place. It is further submitted that this complaint has been filed with improvisation of the earlier case only to entangle the appellant with serious offence and for wreaking vengeance by instituting several false cases against the appellant. It is next submitted that the learned Special Judge, SC/ST Act Cases failed to consider that the dispute between the parties is basically a civil dispute arising out of land transaction and the appellant has already paid back the amount taken by him by way of a cheque and amount of one of the cheques for Rs.1,60,000/- has already been received by the respondent No.2. It is next submitted that in the meanwhile charge-sheet has already been submitted in this case. It is further submitted that the appellant undertakes to co-operate with the trial of the case and also undertakes not to annoy or disturb the informant in any manner during the pendency of the case. Hence, it is submitted that the prayer, as prayed for by the appellant in this appeal, be allowed.

5. Learned Addl. P. P. appearing for the State and the learned counsel for the opposite party No.2 on the other hand vehemently oppose the prayer of the appellant made in the instant appeal and submit that keeping in view the serious nature of allegation against the appellant, the learned Special Judge has rightly rejected the prayer for regular bail of the appellant. Hence, it is submitted that this appeal, being without any merit, be dismissed.

6. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, this Court finds that the learned Special Judge, SC/ST Act Cases failed to appreciate the fact that though for the same occurrence on 01.12.2023, the respondent No.2 filed Complaint Case No.3940 of 2023; there is no reference in the said complaint regarding the occurrence which allegedly took place on 07.11.2023 in respect of which allegations, the offences punishable under the penal provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is held to be made out in this present case. The learned Special Judge, SC/ST Act Cases also failed to consider that the dispute between the parties is basically a civil dispute. Further, the undisputed fact remains that in the meanwhile charge-sheet has already been submitted against the appellant. So, there is no need of any custodial interrogation of the appellant.

7. Under such circumstances, this Court is of the considered view that the impugned order dated 09.12.2025 passed by the learned Additional Sessions Judge-VI-cum-Special Judge, SC/ST Act Cases, Hazaribagh in Cri. Misc. Case No.2095 of 2025 arising out of Sadar P.S. Case No.134 of 2024, is not sustainable in law and liable to be quashed and set aside.

8. Accordingly, the impugned order dated 09.12.2025 passed by the learned Additional Sessions Judge-VI-cum-Special Judge, SC/ST Act Cases, Hazaribagh in Cri. Misc. Case No.2095 of 2025 arising out of

Sadar P.S. Case No.134 of 2024 is quashed and set aside and the regular bail application filed by the appellant in connection with Hazaribagh Sadar P.S. Case No.134 of 2024, is allowed.

9. The appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, SC/ST Act cases, Hazaribagh in connection with Cri. Misc. Case No.2095 of 2025 arising out of Sadar P.S. Case No.134 of 2024 with the condition that he will co-operate with the trial of the case and furnish his mobile number and photocopy of the Aadhaar Card in the court below with an undertaking that he will not change his mobile number during the pendency of the case and will not annoy or disturb the informant, her family members or the witnesses of the case in any manner during the pendency of the case.

10. Accordingly, this Cr. Appeal (SJ) No. 99 of 2026 is disposed of.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated : March 12, 2026
NAFR/ Pramanik
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