

**IN THE HIGH COURT OF JHARKHAND AT RANCHI  
Cr. Appeal (SJ) No. 210 of 2025**

1. Rinku @ Tinku Saw, aged about 26 years, s/o late Rajkumar Saw
  2. Jagni Devi, aged about 57 years, w/o late Rajkumar Saw
  3. Babita Devi, aged about 25 years, w/o Deepak Kumar Saw
- All r/o Village-Aragaro, P.O.-Chandwara, P.S.-Chandwara, Dist.-  
Koderma

.... Appellants

Versus

1. The State of Jharkhand
2. Renu Devi, aged about 26 years, w/o Bahadur Paswan, r/o  
Village-Aragaro, P.O.-Chandwara, P.S.-Chandwara, Dist.-Koderma

.... Respondents

**P R E S E N T**

**HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

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For the Appellants : Ms. Nanda Kumari, Advocate  
For the State : Mr. Suraj Deo Munda, Addl. P.P.  
For Respondent No.2 : Mr. Diwakar Jha, Advocate

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***By the Court:-***

1. Heard the parties.
2. This criminal appeal has been filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 with the prayer to set aside the order dated 03.12.2024 passed by the learned Additional Sessions Judge-I-cum-Spl. Judge, SC/ST, Act, Koderma whereby and whereunder, the learned Additional Sessions Judge-I-cum-Spl. Judge, SC/ST, Act, Koderma has rejected the prayer for anticipatory bail of the appellants filed in connection with Chandwara P.S. Case No. 58 of 2024 registered for the offence punishable under Sections 126(2),

115(2), 76, 303(2), 74, 3(5) of B.N.S., 2023 and under Section 3 (1) (s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The allegation against the appellants is that the appellants in furtherance of common intention with the co-accused persons being not member of scheduled castes or scheduled tribes abused the informant who is a member of scheduled castes in a place within public view by telling her caste name i.e. *Dusadh*. There is further allegation against the appellants of voluntarily causing hurt to the informant, using criminal force against the informant-woman to outrage her modesty and to disrobe her and committed theft of *mangalsutra* of the informant.
4. On the basis of the written report, police registered Chandwara P.S. Case No. 58 of 2024 and took up investigation of the case.
5. Learned counsel for the appellant submits that charge sheet has not yet been submitted and investigation of the case is still going on.
6. Learned Additional Sessions Judge-I-cum-Spl. Judge, SC/ST, Act, Koderma considered that since the offence punishable under Section 3 (1) (s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out from the allegations; so in view of the bar under Section 18 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 held that the anticipatory bail petition is not maintainable and rejected the same.

7. It is submitted by the learned counsel for the appellants that the learned Additional Sessions Judge-I-cum-Spl. Judge, SC/ST, Act, Koderma ought to have granted anticipatory bail to the appellants in view of the counter case being Chandwara P.S. Case No. 59 of 2024 being lodged by the appellant no.3 against the informant, her husband and her mother-in-law. It is next submitted by the learned counsel for the appellants that the learned Additional Sessions Judge-I-cum-Spl. Judge, SC/ST, Act, Koderma has failed to consider that the allegations against the appellants are all false. Relying upon the judgment of the Hon'ble Supreme Court of India in the case of **Hitesh Verma vs. State of Uttar Pradesh & Anr.** reported (2020) 10 SCC 710, it is submitted by the learned counsel for the appellants that therein it has been observed in paragraph no.22 that the property disputes between a vulnerable section of the society and a person of upper caste will not disclose any offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 unless, the allegations are on account of the victim being a member of Scheduled Caste; being abused, intimidated or insulted in a place within public view. It is next submitted by the learned counsel for the appellants that the learned court below ought to have considered that the place of occurrence was not the place within public view. Hence, it is submitted that the prayer as made in this criminal appeal be allowed.

8. The learned Addl. P.P. and the learned counsel for the respondent no.2 on the other hand vehemently oppose the prayer and submits that there is direct and specific allegation against the appellants of abusing the informant by her caste name i.e. *Dusadh* in a place within public view. So, the allegations are sufficient to constitute the offence punishable under Section 3 (1) (s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and because of the bar under Section 18 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for the granting anticipatory bail, no illegality has been committed by the learned Additional Sessions Judge-I-cum-Spl. Judge, SC/ST, Act, Koderma in rejecting the prayer for anticipatory bail. Hence, it is submitted that this criminal appeal being without any merit be dismissed.
9. Having heard the submissions made at the Bar and after going through the materials available in the record, this Court finds that there is direct and specific allegation against the appellants of having committed the offence punishable under Section 3 (1) (s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989; in view of the allegation that the appellants in furtherance of common intention with the co-accused persons abused the informant by her caste name of *Dusadh*, therefore, this Court do not find any illegality in the order of learned Additional Sessions Judge-I-cum-Spl. Judge, SC/ST, Act, Koderma in rejecting the prayer for anticipatory bail in view of the bar under

Section 18 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

10. In the absence of any illegality in the impugned order, this Court is of the considered view that there is no justifiable reason to interfere with the impugned order dated 03.12.2024 passed by the learned Additional Sessions Judge-I-cum-Spl. Judge, SC/ST, Act, Koderma in connection with Chandwara P.S. Case No. 58 of 2024 in exercise of the power under Section 14A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
11. Accordingly, this criminal appeal being without any merit is dismissed.
12. The interim relief granted earlier vide order dated 28.04.2025 is vacated.
13. Registry is directed to intimate the court concerned forthwith.

**(Anil Kumar Choudhary, J.)**

High Court of Jharkhand, Ranchi  
Dated the 25<sup>th</sup> March, 2026  
AFR/Gunjan/-

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