

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Criminal Appeal (S.J.) No.245 of 2025

1. Hulash Sao @ Vikash Kumar @ Hulash Nayak aged about 44 years, Son of Dhano Sao @ Dhani Nayak, resident of village – Belkapi, P.O.+P.S.- Gorhar, District – Hazaribagh.
2. Santosh Sao @ Santosh Saw @ Santosh Nayak aged about 29 years son of Dhano Sao @ Dhani Nayak, resident of village – Belkapi, P.O.+P.S.- Gorhar, District – Hazaribagh.
3. Vikash Saw @ Vikash Sao @ Vikash Kumar aged about 26 years son of Dhano Sao @ Dhani Nayak, resident of village – Belkapi, P.O.+P.S.- Gorhar, District – Hazaribagh.
4. Bikaram Sao @ Bikram Kumar @ Bikram Nayam aged about 20 years, Son of Dhano Sao @ Dhani Nayak, resident of village – Belkapi, P.O.+P.S.- Gorhar, District – Hazaribagh.
5. Muniya Devi @ Munuya aged about 47 years wife of Hulash Sao, resident of village – Belkapi, P.O.+P.S.- Gorhar, District – Hazaribagh.

.... **Appellants**

Versus

1. The State of Jharkhand
2. Raj Shree Devi, W/o – Sri Narendra Paswan, R/o – Village + P.O. – Balkapi, P.S.-Gorhar, District – Hazaribag **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant	: Mr. Kamdeo Pandey, Adv. Mr. Prakash Chandra, Adv.
For the State	: Mrs. Sushma Aind, A.P.P.
For the Respondent No.2	: Mr. Yogesh Modi, Adv.

11/Dated: 04th May, 2026

1. The present appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Heard learned counsel for the appellants, learned counsel for the State and learned counsel for the victim.
3. The appeal has been filed against the impugned order dated 20.11.2024 passed in A.B.P. No.2028 of 2024 by the learned Additional

sessions Judge-VI, Hazaribag in connection with Gorhar P.S. Case No.30 of 2024, registered for the offence under Sections 324, 329, 352, 351 and 34 of the Indian Penal Code and under Section 3(1)(x) of the SC/ST (PoA) Act. The case is presently pending in the court of the learned J.M 1st Class, Hazaribag.

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

5. It has been submitted by the learned counsel for the appellants that both the parties are adjacent raiyat and there is boundary dispute between the parties which has been tried to be settled through this criminal case. Further, it has been argued that since a serious civil dispute is pending between the parties, the application for anticipatory bail is maintainable. In support of such submission, reliance has been placed upon the judgment of the *Hon'ble Apex Court* reported in *2020 (10) Supreme Court Cases 710* in the case of *Hitesh Verma versus State of Uttrakhand & Anr.*

6. On the other hand, learned counsel for the State and the victim have opposed the prayer for anticipatory bail and it has been submitted that not only the boundary wall has been demolished but also the victim had been abused in public view and as such offence under SC/ST (PoA) Act gets attracted.

7. Having heard learned counsel for the parties and upon perusal of the materials available on record, it appears that both the parties are neighbour and there is boundary wall dispute which is a prime dispute between the parties. Thus, *prima facie*, it appears that there exists a serious land dispute of civil nature between the parties.

8. Considering the above facts, the appellants, above named, are directed to surrender in the court below within four weeks from the date of receipt/production of the copy of this order and in the event of their arrest or surrender, they shall be enlarged on bail, on their furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each, to the satisfaction of learned J.M 1st Class, Hazaribag in connection with

Gorhar P.S. Case No.30 of 2024 on the conditions as laid down under **Section 482 B.N.S.S., 2023**. Further, the appellants will submit self-attested photocopies of their Aadhaar Card and also submit their mobile number before the learned court below which they will always keep active and will not change it during pendency of this case without prior permission of the court.

9. In the result, the instant appeal stands allowed and disposed of.

(Rajesh Kumar, J.)

Dated: 04th May, 2026

Amar/-

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