

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Criminal Appeal (S.J) No.190 of 2026**

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Sushil Prasad, aged about 65 years, son of Late Prem Shankar Prasad, resident of Gandhi Nagar, P.O. and P.S. Dhansar, District Dhanbad (Jharkhand)

....    ....    **Appellant(s)**

**-Versus-**

1. The State of Jharkhand through Vigilance.
2. Indu Shekhar Jha, age and son of not known, Police Inspector A.C.B., Ranchi at Booty Road, P.O. and P.S. Bariatu, District Ranchi

....    ....    **Respondent(s)**

**With**

**Criminal Appeal (S.J) No.184 of 2026**

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Ashok Kumar Mahtha, aged about 61 years, S/o Mahendra Mahtha, R/o Ratrai, P.O. & P.S. Dugda, District Bokaro

....    ....    **Appellant(s)**

**-Versus-**

The State of Jharkhand through ACB

....    ....    **Respondent(s)**

**With**

**Criminal Appeal (S.J) No.196 of 2026**

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Kumari Ratnakar @ Ratnakar Kumari @ Ratnakar Devi, aged about 50 years, wife of Jay Niwas Pandey, R/o Ambey Villa Apartment, Near Lindsay Club Road, P.O. & P.S. Dhanbad, District Dhanbad

.....    **Appellant(s)**

**-Versus-**

1. The State of Jharkhand through Anti Corruption Bureau
2. Sri Raghunath Bouri, S/o Late Bhuwan Bouri
3. Sri Hari Prasad Bouri, S/o Late Holi Ram Bouri, both resident of Kuyai Basti, Amtal P.S. Tisra, District Dhanbad

....    ....    **Respondent(s)**

**With**

**Criminal Appeal (S.J) No.201 of 2026**

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Dilip Gope, aged about 56 years, S/o Late Suresh Gope, R/o Kashiyand, P.O. + P.S. Barwadda, District Dhanbad

....    ....    **Appellant(s)**

**-Versus-**

1. The State of Jharkhand through Vigilance ACB
2. Indu Shekhar Jha, father's name not known, R/o Anti Corruption Bureau P.O., P.S. & District Ranchi

....    ....    **Respondent(s)**

**With**

**Criminal Appeal (S.J) No.209 of 2026**

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Bapi Ray Choudhary @ Gopi Ray Choudhary, aged about 55 years, Son of Late Haradhan Ray Choudhary, Resident of Tiltora, P.O. Madanpur, P.S. Nirsa, District Dhanbad .... **Appellant(s)**

**-Versus-**

1. The State of Jharkhand
2. Indushekhar Jha, son of not known to the appellant, resident of not known to the appellant, posted as Police Inspector, A.C.B, Ranchi, P.O. + P.S. Kanke, District Ranchi .... **Respondent(s)**

**With**

**Criminal Appeal (S.J) No.237 of 2026**

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Sumeswhwar Sharma, aged about 58 years, Son of Late Jamuna Sharma @ Yamuna Sharma, R/o Near Murlinagar, Near Labour Court, P.O. Koylanagar, P.S. Seraidhella, District Dhanbad .... **Appellant(s)**

**-Versus-**

1. The State of Jharkhand through Anti Corruption Bureau
2. Sri Raghunath Bouri, S/o Late Bhuwan Bouri
3. Sri Hari Prasad Bouri, S/o Late Holi Ram Bouri, both resident of Kuyai Basti, P.O. Amtal P.S. Tisra, District Dhanbad .... **Respondent(s)**

**With**

**Criminal Appeal (S.J) No.243 of 2026**

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Anil Kumar @ Anil Kumar Sinha, aged about 50 years, Son of Late Ganga Prasad, resident of Hanuman Nagar, Koradih, Kolakusma, P.O. K.G. Ashram, P.S. Seraidhella, District Dhanbad .... **Appellant(s)**

**-Versus-**

1. The State of Jharkhand through Anti Corruption Bureau
2. Indushekhar Jha, son of not known to the appellant, Inspector, A.C.B, P.S. Ranchi, Jharkhand .... **Respondent(s)**

**With**

**Criminal Appeal (S.J) No.256 of 2026**

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Shankar Prasad Dubey, aged about 74 years, Son of Ramesh Chandra Dubey, resident of Kalajhar, Tantri, P.O. Topchanchi, P.S. Topchanchi, District Dhanbad .... **Appellant(s)**

**-Versus-**

1. The State of Jharkhandthrough Anti Corruption Bureau
2. Indushekhar Jha, son of not known, Inspector of Police A.C.B, Ranchi, P.O. G.P.O P.S. Kotwali, District Ranchi .... **Respondent(s)**

**With**  
**Criminal Appeal (S.J) No.278 of 2026**

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Nilam Sinha, aged about 65 years, wife of Bipin Kumar Sinha, resident of Hari Mandir Road, Hirapur, P.O. G.P.O. P.S. Dhanbad, District Dhanbad, Jharkhand

....    ....    **Appellant(s)**

**-Versus-**

1. The State of Jharkhand through Anti Corruption Bureau
2. Indushekhar Jha, Police Inspector, Anti Corruption Bureau, Jharkhand Ranchi

....    ....    **Respondent(s)**

**With**  
**Criminal Appeal (S.J) No.281 of 2026**

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Vishal Kumar, aged about 45 years, Son of Late Balram Thakur, Resident of Kokar Flat No. C-4, Rajsukh Apartment, Bank Colony Marg, P.O. Lalpur, P.S. Kokar, District Ranchi

....    ....    **Appellant(s)**

**-Versus-**

1. The State of Jharkhand
2. Indushekhar Jha, age not known, Son of not known to the petitioner, P.O. G.P.O P.S. Kotwali, District Ranchi, Jharkhand

....    ....    **Respondent(s)**

**With**  
**Criminal Appeal (S.J) No.288 of 2026**

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Harish Kumar, aged about 52 years, Son of Late Sarju Prasad Rajak, Resident of Surendra Nagar, Joraphatak Road, Near Chhath Talab, P.O. & P.S. Dhansar, District Dhanbad, Jharkhand

....    ....    **Appellant(s)**

**-Versus-**

1. The State of Jharkhand
2. Indu Shekhar Jha, age not known, son of not known to the petitioner, P.O. G.P.O P.S. Kotwali, District Ranchi, Jharkhand .....

**Respondent(s)**

**With**  
**Criminal Appeal (S.J) No.300 of 2026**

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Umesh Mahto, aged about 55 years, S/o Ramu Mahto, R/o Village Dhanghi, P.O. Rowam, P.S. Topchanchi, District Dhanbad, Jharkhand

....    ....    **Appellant(s)**

**-Versus-**

1. The State of Jharkhand

2. Indushekhar Jha, son of not known to the petitioner, Police Inspector, A.C.B, Jharkhand, Ranchi .... .... **Respondent(s)**

**With**

**Criminal Appeal (S.J) No.313 of 2026**

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Uday Kant Pathak, aged about 67 years, son of Late Lakshmi Kant Pathak, Resident of Shanti Niketan, Civil Lines, Nandan Pahad Road, Bela Bagan, P.O. & P.S. Nandan Pahad, District Deoghar .... .... **Appellant(s)**

**-Versus-**

1. The State of Jharkhand  
2. Indushekhar Jha, son of not known to the appellant, resident of not known to the appellant, posted as Police Inspector, A.C.B., Ranchi, P.O. & P.S. Kanke, District Ranchi .... .... **Respondent(s)**

**With**

**Criminal Appeal (S.J) No.326 of 2026**

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Ram Kripal Goswami, aged about 77 years, son of Dol Govind Goswami, resident of Village Lakhiabad, P.O. Barwa, P.S. Nirsha, District Dhanbad, State Jharkhand .... .... **Appellant(s)**

**-Versus-**

1. The State of Jharkhand through Vigilance ACB  
2. Indushekhar Jha, Inspector, Anti Corruption Bureau, Ranchi P.O. G.P.O P.S. Lower Bazar, District Ranchi .... .... **Respondent(s)**

**With**

**Criminal Appeal (S.J) No.333 of 2026**

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Rabindra Kumar, aged about 47 years, son of Sadhu Sharan Pathak, Resident of LIG-346, Housing Colony, Bartand, P.O. P.S & District Dhanbad

.... .... **Appellant(s)**

**-Versus-**

1. The State of Jharkhand through A.C.B  
2. Sri Raghunath Bouri, S/o Late Bhuwan Bouri  
3. Sri Hari Prasad Bouri, S/o Late Holi Ram Bouri, both resident of Kuyai Basti Amtal P.S. Tisra, District Dhanbad, Jharkhand

.... .... **Respondent(s)**

**With**

**Criminal Appeal (S.J) No.343 of 2026**

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Alok Bariyar, aged about 41 years, son of Awadh Kishore Bariyar, resident of Pathrakulhi near Jora Talaw, Lala Basti, P.O. Dhanbad, P.S. Dhansar, District Dhanbad

.... .... **Appellant(s)**

**-Versus-**

1. The State of Jharkhand through Anti Corruption Bureau
2. Indushekhar Jha, father's name not known to the appellant, Inspector of Police, Anti Corruption Bureau, Ranchi, P.O. G.P.O., P.S. Kotwali, District Ranchi

.... .... **Respondent(s)**

**With**

**Criminal Appeal (S.J) No.366 of 2026**

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Kali Prasad Singh, aged about 61 years, S/o Late RamPrasad Singh, R/o Gandua, P.O. Chandore, P.S. Tetulmari, District Dhanbad

.... .... **Appellant(s)**

**-Versus-**

1. The State of Jharkhand through A.C.B
2. Indushekhar Jha, Police Inspector, Anti Corruption Bureau, Ranchi

.... .... **Respondent(s)**

**With**

**Criminal Appeal (S.J) No.416 of 2026**

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Anupam Kumari, aged about 41 years, wife of Chandan Kumar, Resident of House No.B/2 Officer Colony, P.O. and P.S. Dhanbad, District Dhanbad

.... .... **Appellant(s)**

**-Versus-**

1. The State of Jharkhand
2. Indushekhar Jha, son of not known to the appellant, resident of not known to the appellant, posted as Police Inspector, A.C.B., Ranchi, P.O. & P.S. Kanke, District Ranchi
3. Anti Corruption Bureau (A.C.B)

.... .... **Respondent(s)**

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**CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR**

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For the Appellant(s) : Mr. R.S. Mazumdar, Senior Advocate  
Mr. Ajit Kumar, Senior Adv.  
Mr. Shailesh Kr. Singh, Adv.  
Mr. Shekhar Prasad Sinha, Adv.  
Mr. Sidharth Sudhanshu, Adv.  
Mr. Mukesh Bihari Lal, Adv.  
Mr. Praveen Shankar Dayal, Adv.

Mr. Suraj Singh, Adv.  
Ms. Richa Lal, Adv.  
Mr. Kushal Kumar, Adv.  
Ms. Aprajita Bhardwaj, Adv.  
Mr. Vishal Kr. Trivedi, Adv.  
Mr. Abhilash Kumar, Adv.  
Mr. Abhijeet Kr. Singh, Adv.  
Mr. Rahul Ranjan, Adv.  
Mr. Avilash Kumar, Adv.  
Mr. Sabi Uddin, Adv.  
Mr. Abhishek Abhi, Adv.  
Mr. Akash Ajit Kumar, Adv.  
Mr. Jai Mohan Mishra, Adv.  
For the Respondent-State : Mr. Vineet Kumar Vashistha, Special P.P  
Mrs. Nehal Sharmin, Special P.P  
Mr. Vishwanath Roy, Special P.P  
Mr. P.D. Agarwal, Special P.P  
For the Private Respondent(s) : Mr. L.C.N. Shahdeo, Adv.  
Mr. Yash Raj Gupta, Adv.

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**07/Dated: 01<sup>th</sup> July, 2026**

1. Heard the learned counsel for the parties.
2. The captioned appeals have arisen out of a common order, hence the same have been clubbed and are being heard together and disposed of with a common judgment.
3. Several issues were raised in the present case vide order dated 24<sup>th</sup> June, 2026. However, during the course of hearing, the parties have confined their submissions to only two issues, which are considered necessary for the effective adjudication and disposal of the present case. The issues are as follows:-

(a) Who is the keeper of the FIR, and even after taking cognizance, who is the competent court to conduct the bail proceedings in connection with a case where the offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is also involved?

(b) Whether non-compliance of the mandate of Sections 15(3) and 15(5) of the S.C./S.T. (PoA) Act makes the proceeding nullity or not?

4. The present appeals have arisen out of the Vigilance P.S. Case No.32 of 2016 corresponding to Special Vigilance Case No.34 of 2016, registered for the offence under Sections 406, 409, 419, 420, 423, 424, 467, 468, 471, 120B/34 of the Indian Penal Code [*hereinafter referred to as “IPC”*] and under Sections 3(1)(V)/4 of the S.C./S.T. (PoA) Act and Section 13(2) read with Section 13(1)(c) & 13(1)(d) of the Prevention of Corruption Act, 1988 [*hereinafter referred to as “P.C. Act”*].

5. After completion of the investigation, the charge-sheet has been submitted in relation to these cases, but the investigation has been kept pending also with regard to the other accused. The bail proceeding has been initiated before the court who is the Special Court under the Prevention of Corruption Act, 1988 and without following the mandate of Section 15 of the S.C./S.T. (PoA) Act an order has been passed which is impugned in the present appeals.

6. For the purpose of settling the law, the necessary provisions are quoted hereinbelow:-

**Section-21 of the BNSS, 2023, Courts by which offences are triable.—**  
Subject to the other provisions of this Sanhita,—

- (a) .....
- (b) any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court and when no Court is so mentioned, may be tried by—
  - (i) the High Court; or
  - (ii) any other Court by which such offence is shown in the First Schedule to be triable.

**Section-4(3) & (4) of the P.C. Act, 1988**  
**[Cases triable by special Judges.]—**

- (1) .....
- (2) .....
- (3) When trying any case, a special Judge may also try any offence, other than an offence specified in section 3, with which the accused may, under the Code of Criminal Procedure, 1973 (2 of 1974), be charged at the same trial.
- (4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the trial of an offence shall be held, as far as

practicable, on day-to-day basis and an endeavour shall be made to ensure that the said trial is concluded within a period of two years:

Provided that where the trial is not concluded within the said period, the special Judge shall record the reasons for not having done so:

Provided further that the said period may be extended by such further period, for reasons to be recorded in writing but not exceeding six months at a time; so, however, that the said period together with such extended period shall not exceed ordinarily four years in aggregate.

#### **Section-14 of the SC/ST (PoA) Act, 1989**

##### **Special Court and Exclusive Special Court.—**

(1) For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, establish an Exclusive Special Court for one or more Districts:

Provided that in Districts where less number of cases under this Act is recorded, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for such Districts, the Court of Session to be a Special Court to try the offences under this Act:

Provided further that the Courts so established or specified shall have power to directly take cognizance of offences under this Act.

(2) It shall be the duty of the State Government to establish adequate number of Courts to ensure that cases under this Act are disposed of within a period of two months, as far as possible.

(3) In every trial in the Special Court or the Exclusive Special Court, the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Special Court or the Exclusive Special Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded in writing:

Provided that when the trial relates to an offence under this Act, the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge sheet.]

#### **Section-14-A of the SC/ST (PoA) Act, 1989**

**14-A. Appeals.—**(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law.

(2) Notwithstanding anything contained in sub-section (3) of section 378 of the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail.

(3) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period

of ninety days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the expiry of the period of one hundred and eighty days.

(4) Every appeal preferred under sub-section (1) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.]

### **Section-15-A of the SC/ST (PoA) Act (Sub-Section 3 & 5)**

#### **15-A. Rights of victims and witnesses.—**

(3) A victim or his dependent shall have the right to reasonable, accurate, and timely notice of any Court proceeding including any bail proceeding and the Special Public Prosecutor or the State Government shall inform the victim about any proceedings under this Act.

(5) A victim or his dependent shall be entitled to be heard at any proceeding under this Act in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing.

### **Section-20 of the SC/ST (PoA) Act, 1989**

**20. Act to override other laws.** - Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.

7. Thus, in the present scenario, there are Special Courts involved i.e. one under the P.C. Act, 1988 and another under the SC/ST (PoA) Act. The question arises is that who will be the competent court to be the keeper of the FIR and to conduct the proceeding if the offence under the P.C. Act as well as the SC/ST (PoA) Act is involved. Both the Acts have notwithstanding clause, and in such a scenario the law is settled that where two special statutes contain competing *non-obstante* clauses the Act which has been legislated subsequently i.e. the latest one, will prevail over the earlier legislation. Section 20 of the SC/ST (PoA) Act also lends support to this position.

8. Accordingly, where offences under both the SC/ST (PoA) Act and the P.C. Act are alleged, the Special/Exclusive Court constituted under the SC/ST (PoA) Act shall be the competent court to retain the FIR on its file and to conduct all further proceedings in the case. Once the jurisdiction of the Special Court under the SC/ST (PoA) Act is attracted, any other offence arising out of the same transaction shall also be tried by the said Court [Special Court under the SC/ST (PoA) Act] in accordance with law. **The first issue is answered accordingly.**

9. So far as the second issue is concerned, namely, whether non-compliance with the mandatory requirements of Sections 15(3) and 15(5) of the SC/ST (PoA) Act renders the proceedings a nullity, the legal position is no longer *res integra*. The issue has already been settled by the Hon'ble Apex Court itself in a catena of decisions wherein the law has been settled that any proceeding in contravention of Section 15(3) and 15(5) of the S.C./S.T. (PoA) Act is nullity in the eye of law. The judgments of the Hon'ble Apex Court are quoted hereinbelow:-

(i) **Hariram Bhambhi *versus* Satyanarayan and Another reported in 2021 SCC OnLine SC 1010**

(ii) **Lakshmanan *versus* State through the Deputy Superintendent of Police and Ors. reported in 2025 SCC OnLine SC 2889**

10. In view of above settlement, **the second issue no.2 is also answered** that any proceeding giving no opportunity to the victim is nullity.

11. The above situation has been tackled by the High Court of Delhi in the case of **X *versus* State of NCT of Delhi and Anr. as reported in 2024 SCC OnLine Del 1027.**

12. In view of above discussion, the following orders are hereby made:-

(i) The impugned orders being nullity on both counts, “the lack of jurisdiction on the ground of subject matter that is entering into the zone of Exclusive Court under the SC/ST (PoA) Act as well as not giving due opportunity to the victim” is hereby set aside.

(ii) The Special Court (A.C.B.) is directed to transfer the case to the Special Court/Exclusive Court under SC/ST (PoA) Act within a week from the date of receipt/production of a copy of this order.

(iii) The bail applications are restored to their original files.

(iv) The State is mandated to inform the victim and perform their other duties as assigned in the Act and Rules.

(v) The Special Court/Exclusive Court is directed to expedite the bail proceeding and conclude the same as early as possibly preferably within two weeks from the date of receiving the records.

(vi) The Special Court should also endeavour for participation of the victim, if possible, by giving legal assistance also.

13. With above observation and direction, all the criminal appeals stand disposed of.

14. In **Criminal Appeal (S.J.) No.196 of 2026**, the order dated **18<sup>th</sup> June, 2026** reads as under:-

4. "The appellant namely Kumari Ratnakar @ Ratnakar Kumari @ Ratnakar Devi who is in custody since 09.01.2026 has preferred this interlocutory application for grant of provisional bail in connection with Vigilance P.S. Case No.32 of 2016 corresponding to Special Vigilance Case No.34 of 2016, registered for the offence under Sections 406, 409, 419, 420, 423, 424, 467, 468, 471, 120-B and 34 of the Indian Penal Code and under Sections 3(1)(v) & 4 of the S.C./S.T. (PoA) Act and under Sections 13(2) r/w 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act, pending in the court of learned Additional Sessions Judge-X-cum-Special Judge (ACB), Dhanbad.

5. It has been submitted by the learned counsel for the appellant that she has an especially abled female child aged about seven years and she needs care of her mother but her mother is in custody and as such the child is suffering a lot. On the above basis, the prayer for provisional has been made.

6. Considering the above aspects, I am inclined to enlarge the appellant on provisional bail for one month from the date of receipt/production of a copy of this order. Accordingly, the appellant, named above, is directed to be released on bail, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-X-cum-Special Judge (ACB), Dhanbad in connection with Vigilance P.S. Case No.32 of 2016 corresponding to Special Vigilance Case No.34 of 2016, subject to

condition that the applicant(s) will submit self-attested photocopy/photocopies of his/her/their Aadhaar Card(s) and also submit his/her/their mobile number(s) before the trial court which he/she/they will always keep active and will not change it during pendency of this case without prior permission of the court.”

**15.** Since the provisional bail has been granted for protecting the interest of an especially abled female child, that order will continue as directed.

**16.** Let a copy of this order be communicated to the court below concerned.

**(Rajesh Kumar, J.)**

**Dated: 01<sup>st</sup> July, 2026**  
**Amar-Raja/-**  
**Uploaded**