

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No. 236 of 2025

Vicky Vasist

..... Appellant

Versus

1.The State of Jharkhand

2.Anurag Minj

3.Manglesh Kumar Singh (Victim)

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Sheo Kumar Singh, Advocate

For the State : Mr. Rajesh Kumar, A.P.P.

For the Resp.No.3 : Mr. Pratyush Lala, Advocate

07/13.10.2025

This Criminal Appeal has been filed

on behalf of the appellant under Section 14-A of the SC and ST (Prevention of Atrocities) Amendment Act, 2015, challenging the order dated 06.02.2025, passed in A.B.P. No.73 of 2025, by the learned Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Garhwa, by which prayer for anticipatory bail made on behalf of the appellant, namely Vicky Vasist has been rejected in connection with Bhawnathpur P.S. Case No. 02 of 2025, instituted for the offences under Sections 351(2)/352 of Bhartiya Nyaya Sanhita, 2023 and Section 3(1)(r)/3(1)(s) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

2. The F.I.R. was lodged on 04.01.2025 on the basis of the Enquiry Report submitted by the District Welfare Officer, Garhwa, Sub-Divisional Officer, Shree Bashidhar Nagar and the District Superintendent of Education, Garhwa, who had recommended for instituting case against the appellant for abusing the Victim in the name of 'Adivasi' and for his indecent behaviour.

3. Heard Mr. Sheo Kumar Singh, learned counsel for the appellant, Mr. Rajesh Kumar, learned A.P.P. appearing for the State and Mr. Pratyush Lala, learned counsel for the Victim.

4. It is submitted that the impugned order dated 06.02.2025, passed by the learned Court below is illegal and not sustainable in law. It is submitted that the appellant is innocent and has not committed any offence. It is submitted that the allegations of abusing the Victim by the appellant by his caste name are false and concocted. It is submitted that the appellant has been falsely implicated by the Victim due to land dispute with the father of the appellant and the Victim had lost the case before the Anchal Adhikari. It is submitted that the earlier the appellant was dismissed from service by the Victim and he had filed W.P.(S) No.1616 of 2017, which was allowed by the Co-ordinate Bench (Justice S.N. Pathak, as his Lordship then was) of the Court vide order dated 16.10.2019. It is submitted that thereafter, the appellant was reinstated into the services and hence, the present complaint has been lodged by the Victim against the appellant by citing a number of reasons. It is submitted that now the appellant has been transferred from the school of the Victim at Barwari to the school at Karwatoli also. It is also submitted that no specific caste has been mentioned by the Victim in the F.I.R. and therefore, the alleged abuse will not constitute any offence under provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

5. In support of his contention, learned counsel for the appellant has placed reliance upon Judgment dated 08.04.2025, passed in W.P.(Cr.)

No.1146 of 2023 by the High Court of Jharkhand and in the case of *Hitesh Verma Versus State of Uttarakhand and Another* reported in (2020)10 SCC 710 and hence, the appellant may be granted Anticipatory Bail.

6. On the other hand, learned A.P.P. appearing for the State has opposed the prayer for bail. It is submitted that the impugned order is fit and proper and no interference is required from this Court. It is submitted that there is direct allegation against the appellant for abusing the victim, namely Manglesh Kumar Singh in the name of his caste on several occasions which has been supported by the statements of several witnesses and hence the prayer for anticipatory bail of the appellant may be rejected.

7. Learned counsel for the Respondent No.3, after adopting the argument of the State, has further submitted that the appellant has abused the Victim several times in the name of his caste and he has disobeyed the order passed by the Victim several times. It is submitted that the appellant was not taking classes and he used to make comments upon the Victim that his ancestors were working as house helps in the house of the ancestors of the Victim and hence, the Victim cannot dictate the appellant for doing work in the school. It is submitted that the Victim and other witnesses, namely Basanti Devi (i.e. the cook), Sumitra Devi (i.e. another cook), Bindu Kumari (i.e. the Assistant Teacher) and Sarita Devi, i.e. Mukhiya, whose statements are recorded in the Paragraph 5 and Paragraph 6, 7, 8 and 9 respectively of the Case Diary, have supported the allegation that the appellant used to abuse the Victim in

the name of his caste and hence, the prayer for Anticipatory Bail of the appellant may be rejected.

8. Perused the records of this Case and considered the submissions of both sides.

9. It appears from the records that a series of litigations has been contested between the Victim and the appellant.

10. It reveals from the record that the appellant was dismissed from the services of Para Teacher by the Victim vide order dated 24.10.2015 and which was challenged by the appellant in W.P.(S) No. 1616 of 2017 and which was allowed by the Co-ordinate Bench (Justice S.N. Pathak, as his Lordship then was) of this Court vide order dated 16.10.2019.

11. It appears that after reinstatement of the appellant into the services of the school, the fresh litigation began.

12. It also reveals that some revenue matter was also pending between the parties (i.e. the Victim and the father of the appellant) and the *Jamabandi* standing in the name of the Victim had been cancelled vide order dated 15.10.2006 in Misc. Case No. 23/1994-95, passed by the Anchal Adhikari and thus the allegation made against the appellant by the Victim is to be considered in this background also.

13. It also appears from the statement of the Victim recorded by the Enquiry Committee that no specific date of abuse and harassment against the Victim has been mentioned which was allegedly made by the appellant.

14. So far as statement of other witnesses, namely Basanti Devi (i.e. the cook), Sumitra Devi (i.e.

another cook), Bindu Kumari (i.e. the Assistant Teacher) and Sarita Devi (i.e. Mukhiya), whose statements have been recorded in the Paragraph No.s 6, 7, 8 and 9 respectively of the Case Diary, are concerned, it also appears that they have also not stated any specific date of abuse.

15. It appears that statement of Assistant Teacher and Mukhiya cannot be relied upon as they have also not given any specific date of abuse by the appellant and the Mukhiya is not supposed to remain in the school, however, it reveals that statement of the witnesses, namely Basanti Devi and Sumitra Devi, whose statements have been recorded in Para 6 and 7 of the Case Diary, are also not reliable as they are under the influence of the Victim.

16. It has been held by the Co-ordinate Bench (Hon'ble Mr. Justice Anil Kumar Choudhary) of this Court in the W.P.(Cr.) No. 1146 of 2023, vide order dated 08.04.2025, at Para 21 as follows:-

***“Para 21:-** Now coming to the facts of the case, the only allegation against the petitioner is that he has used the word that the informant is an insane Adivasi. Now coming to Annexure-9 of this writ petition which is a document of unimpeachable character, being the copy of the Constitution (Scheduled Tribes) Order, 1950 in part XXII goes to show that the caste Adivasi does not find place in the said public notification. There is no allegation in the FIR that the informant belongs to any of the castes mentioned in part XXII which is applicable to the State of Jharkhand in the said Constitution (Scheduled Tribes) Order, 1950. It is not the case of the informant that she is a member of scheduled castes. Under such circumstances, this Court finds force in the submission of*

the learned counsel for the petitioner that, even if the entire allegation made against the petitioner are considered to be true in its entirety, still, neither the offence punishable under Section 3(1)(s) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out.”

17. Thus, the Co-ordinate Bench has also held in the light of the judgment of the Hon’ble Supreme Court that for merely calling any person in the name of Adivasi no offence under Sections 3(1)(r) and 3(1)(s) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is made out.

18. In the case of ***Hitesh Verma Versus State of Uttarakhand and Another*** reported in **(2020)10 SCC 710**, it has been held by the Hon’ble Apex Court that when the dispute is pending with regard to the possession of property before the Civil Court, any dispute arising on account of possession of said property would not disclose an offence under the Act unless the victim is abused, intimidated only for the reason that he/she belongs to Scheduled Caste or Scheduled Tribe.

19. It appears that the appellant is only alleged to have abused Victim in the name of ‘Adivasi’.

20. It also appears that the appellant has also been transferred from Primary School at Barwari to the Primary School, Karwatoli.

21. In view of the above discussions, the appellant, namely Vicky Vasist is directed to surrender before the learned Court below within Six (06) weeks from today and in the event of his arrest or surrender, the appellant shall be released on anticipatory bail, on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen

thousand) with two sureties of the like amount each in connection with Bhawnathpur P.S. Case No. 02 of 2025, to the satisfaction of the Court of learned Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Garhwa and he will not threaten or influence the prosecution witnesses and also subject to the provisions of Section 482 (2) of B.N.S.S.

22. Accordingly, order dated 06.02.2025, passed in A.B.P. No.73 of 2025, by the learned Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Garhwa is set aside.

23. Thus, Criminal Appeal (S.J.) No. 236 of 2025 is allowed.

(Sanjay Prasad, J.)

Dated 13.10.2025
s.m.