

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (SJ) No. 325 of 2025

1.Md. Mubarak Husain aged about 37 years Son of Samim Hussain Kaji resident of village- Behrasahi, P.O- Behrasahi, P.S.- Kharsawan, District- Seraikella-Kharsawan

2.Kishore Kumar Kamila aged about 56 years Son of Ashutosh Kamila resident of village- Behrasahi, P.O- Behrasahi, P.S.- Kharsawan, District- Seraikella-Kharsawan
 **Appellant(s)**

Vrs.

1.The State of Jharkhand

2. Huding Kui wife of Rotho Banra resident of village- Simla, P.O+P.S.- Kharsawan Distt. Seraikella-Kharsawan
 **Respondent(s)**

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CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant(s) : Mr. Rajesh Kr. Mishra, Advocate

For the Respondent no.2 : Mr. Arwind Kumar, Advocate
 Mr. Nitya Nand Mahato, Advocate
 Mr. Jinid Seteng Horo, Advocate
 Mr. Abhishek Ranjan, Advocate

For the State : Mr. Shashi Kr. Verma, A.P.P.

11/22.04.2026 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 and learned counsel for the respondent no.2.-informant as well as learned counsel for the State.

3. The present appeal is directed against the order dated 12.02.2025 passed by the learned Additional Sessions Judge cum Special Judge, (SC/ST Act), Seraikella in A.B.P. No. 18 of 2025 arising out of Seraikella (SC/ST) P.S. Case No. 01 of 2024 registered for the offence under Sections 427,147,148,149,323,354,504,506 of the IPC and Sections 3(1)(r) and 3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989 whereby and whereunder the prayer of the appellants for grant of anticipatory bail has been rejected. The case is presently pending before the court of learned Additional Sessions Judge-I, Seraikella.

4. It has been submitted by the learned counsel for the appellants that although Section 18 of the SC/ST prohibits grant of anticipatory bail, but the offence under the SC/ST Act is not attracted and at best it is a case of land dispute. Further, it has been submitted that appellants are not the land owner rather they are employee residing over the alleged piece of land and taking care of the land on behalf of one Gurucharan

Khewat, who is the land owner and as such, they have no concern with the land in question. On the above basis, prayer for anticipatory bail has been made.

5. On the other hand, learned counsel for the informant (respondent no.2) and the State have opposed the prayer for grant of anticipatory bail and submitted that the dispute has arisen because the appellants were demolishing the boundary wall of the land in question. When she tried to stop the demolition of the boundary wall, she has been assaulted and abused in public place by the appellants. Thus, the offence under the SC/ST Act clearly gets attracted and Section 18 of the SC/ST Act bars grant of anticipatory bail.

6. Having heard learned counsel for the parties and from perusal of the record, it appears that the offence under the SC/ST Act clearly gets attracted and considering the mandate of Section 18 of the SC/ST Act, I am not inclined to grant the privilege of anticipatory bail to the appellants.

7. Accordingly, the prayer for grant of anticipatory bail is rejected.

8. In the result, the present appeal is dismissed.

(Rajesh Kumar, J.)

22.04.2026
A. Mohanty

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____/____/2026