

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No. 386 of 2025

1.Kalam Ansari @ Mohammad Kalam
2.Jahir Ansari @ Md. Jahir
3.Imtiyaz Ansari @ Istiyak Ansari

..... Appellants

Versus

1.The State of Jharkhand
2. Sandhaya Tigga

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellants : Mr. Pradeep Kumar, Advocate
For the State : Mr. Santosh Kr. Shukla, A.P.P.
For the Resp.No.2 : Mr. P.K. Mukhopadhyay, Advocate

04/07.10.2025 This Criminal Appeal has been filed on behalf of the appellants under Section 14-A of the SC and ST (Prevention of Atrocities) Amendment Act, 2015, challenging the order dated 10.01.2025, passed in A.B.P. No. 3239 of 2024, by the learned A.J.C.-II-cum-Special Judge, S.C./S.T. Act, Ranchi, by which prayer for Anticipatory Bail made on behalf of the appellants, namely Kalam Ansari @ Mohammad Kalam, Jahir Ansari @ Md. Jahir and Imtiyaz Ansari @ Istiyak Ansari has been rejected in connection with Mandar P.S. Case No. 116 of 2020, instituted for the offences under Sections 341/323/504/506/34 of I.P.C. and under Sections 3(1) (r)(w) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and presently pending in the Court of A.J.C.II-cum-Special Judge, S.C./S.T. Act, Ranchi.

2. It is alleged in the F.I.R. that the appellants had constructed a room over the land of the Informant in the night of 30.12.2019 and has

placed Asbestos sheet over the same and has constructed boundary around the land. When the Informant protested then she was abused in the name of her caste and threatened of dire consequences by the appellants.

3. Heard Mr. Pradeep Kumar, learned counsel for the appellants, Mr. Santosh Kr. Shukla, learned A.P.P. appearing for the State and Mr. P.K. Mukhopadhyay, learned counsel for the Respondent No.2.

4. It is submitted that the impugned order passed by the learned Court below is illegal and not sustainable in law. It is submitted that the appellants are innocent and have not committed any offence. It is submitted that the appellants have been falsely implicated in this case. It is submitted that the offence has not been committed in public view and as such provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act will not apply.

Learned counsel for the appellants, in supported of his contention, has relied upon the case of ***Ramesh Chandra Vaishya Versus State of Uttar Pradesh and Another*** reported in **(2023) 17 SCC 615**.

It is submitted that the land in question was given to the appellant by way of power of attorney in the year 1991 by one John Oraon and in support of the same, learned counsel for the appellant has enclosed the photocopy of the Power of Attorney

executed by John Oraon in favour of Kalam Ansari @ Mohammad Kalam, i.e. Appellant No.1 on 18.02.1991.

It is submitted that the land in question belongs to the appellants and hence, the appellants may be enlarged on anticipatory bail.

5. On the other hand, learned A.P.P. has opposed the prayer for anticipatory bail. It is submitted that the appellants had abused the Informant in the name of her caste and threatened her and had constructed boundary around the land of the Informant. It is submitted that several witnesses, namely Kishore Bhagat, Amar Oraon, Cherwa Oraon and Ganga Ekka, whose statements have been recorded in Para 8, 9, 10 and 11 of the Case Diary respectively, have supported the allegation against the appellants and have stated that the appellants have forcibly taken possession of the land of the Informant. It is further submitted that the appellants have not complied with the provisions of Section 41-A of Cr.P.C. and inspite of sending several Notices, they have not appeared before the Investigating Officer for their statements, which is mentioned in Paragraph 133 and 164 of the Case Diary and hence, the prayer for anticipatory bail of the appellants may be rejected.

6. Learned counsel for the Informant submitted that the land in question is *Bhuiyari* land, which can not be transferred to anyone and the land has been taken in possession by the appellants in absence of the Informant and she had been abused in

public view and hence, prayer for anticipatory bail made on behalf of the appellants may be rejected.

7. Perused the F.I.R. and Case Diary of this case and considered the submission of both sides.

8. It appears from the F.I.R. that the land in question is a *Bhuiyari* land.

9 It appears that the appellants are claiming the land by way of power of attorney, which is said to be executed in the year 1991 and the same is executed on the non-judicial stamp paper of Rs.5/- only.

It appears that the appellants have encroached upon the land of the Informant and her family members by way of Power of Attorney.

10. The husband of the Informant is working in R.P.F.

11. Considering the above facts, this Court is not inclined to grant anticipatory bail to the Appellant and hence, prayer for anticipatory bail of the appellant is rejected.

12. Thus, this Criminal Appeal (S.J.) No. 386 of 2025 is, hereby dismissed.

(Sanjay Prasad, J.)

s.m.