

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No. 465 of 2025

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1. Narayan Singh aged about 53 years, S/o Pokhan Singh
 2. Dharam Singh aged about 57 years, S/o Sury Singh @ Godi Singh
 3. Arjun Singh aged about 77 years, S/o Late Senapati Singh
 4. Dular Singh aged about 57 years, S/o Late Badri Singh
- All are residents of Village- Sikadaradih, PO- Khurchutta, PS-
Bengabad, District- Giridih

..... **Appellants**

Versus

1. The State of Jharkhand
2. Sahdeo Das S/O Late Bulaki Das, R/O Village- Manjhlatal, PO-
Khurchutta, Panchayat- Golgo, PS- Bengabad, District- Giridih

..... **Respondents**

With

Cr. Appeal (SJ) No. 464 of 2025

....

1. Ajay Kumar @ Ajay Rana aged about 33 years, S/o Ramdev Rana
 2. Munna Prasad Singh aged about 45 years, S/o Late Sundar Singh
- All are residents of Village- Sikadaradih, PO- Khurchutta, PS-
Bengabad, District- Giridih

..... **Appellants**

Versus

1. The State of Jharkhand
2. Sahdeo Das S/O Late Bulaki Das, R/O Village- Manjhlatal, PO-
Khurchutta, Panchayat- Golgo, PS- Bengabad, District- Giridih

..... **Respondents**

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellants	: Mr. A. K. Kashyap, Senior Advocate Mrs. Supriya Kashyap, Advocate
For the State	: Mrs. Vandana Bharti, Spl. P. P. Mr. Vineet Kumar Vashistha, Spl. P. P.
For the Resp. No. 2	: Mr. Mahesh Tewari, Advocate Mr. Sudhir Kumar Roy, Advocate

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ORAL ORDER IN COURT

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09/18.02.2026 Both these Criminal Appeals have been filed on behalf of the appellants under Section 14 (A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015, who are apprehending their arrest in connection with Bengabad P.S. Case No. 29 of 2025 instituted for the offences under Sections

126(2), 115(2), 304(2), 351(1), 352 and 3(5) of BNS and Section 3(i)(c)(f)(r)(s) of the SC/ST Act, which is pending in the Court of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Giridih.

2. As per the FIR, it has been alleged that the appellants had abused the Informant in the name of his caste and assaulted him and also used derogative languages and snatched silver chain etc. from Pravati Devi and Sarsawati Devi.

3. Heard learned Senior Counsel for the appellants and learned counsel for the State and learned counsel for the Informant.

4. Learned Senior Counsel for the appellants has submitted that the appellants are innocent and have committed no offence and have been falsely implicated in case. It is submitted that the land in question belongs to one Devnath Singh and rent receipts have also been issued in the name of ancestor of the appellants. It is submitted that occurrence has not taken place in public view. It is submitted that statement of independent witnesses namely Manoj Pandey, Dharendra Prasad Singh and Mamta Devi, which have been recorded at Para-22, 23 and 24 of the case diary, it is clear that there were brick-batting from both the sides and hence, the appellants may be enlarged on Anticipatory Bail.

5. Learned counsel for the State has opposed the prayer for anticipatory bail of the appellants and has submitted that there is direct allegation against the appellants for abusing the Informant in the name of his Caste and assaulting him. It is submitted that witnesses namely Umesh Das, Santosh Das, Dilo Das, Tulsi Das, Ramlal Das, Sunita Devi, Jagdama Devi, Pravati Devi and Sarsawati Devi, whose statements have been recorded at Para-7, 8, 9, 10, 11, 12, 13, 14 and 15 of the case diary, have fully

supported the allegations against the appellants and hence, the prayer for Anticipatory Bail of the appellants may be rejected.

6. On the other hand, learned counsel for the Informant, after adopting the submission of learned counsel for the State, has further submitted that land in question belongs to the Informant's side and they are residing there for last several years. It is submitted that the appellants have threatened and abused him in the name of his caste in open public view and in front of his house. It is submitted that witnesses namely Umesh Das, Santosh Das, Dilo Das, Tulsi Das, Ramlal Das, Sunita Devi, Jagdama Devi, Pravati Devi and Sarsawati Devi, whose statements have been recorded at Para-7, 8, 9, 10, 11, 12, 13, 14 and 15 of the case diary, have supported the allegations against the appellants and Informant has also asserted the allegation made against the appellants at para-4 of the case diary that and hence, the prayer for anticipatory bail of the appellants may be rejected.

7. Perused the records of this case and considered the submissions of both the sides.

8. It appears from the FIR that there is land dispute between the parties.

9. It appears that the appellants are alleged to have abused the Informant in the name of his caste and are alleged to have assaulted him by bricks and stones. However from perusal of the statements of witnesses namely Umesh Das, Santosh Das, Dilo Das, Tulsi Das, Ramlal Das, Sunita Devi, Jagdama Devi, Pravati Devi and Sarsawati Devi, whose statements have been recorded at Para-7, 8, 9, 10, 11, 12, 13, 14 and 15 of the case diary, it appears that there was altercation between both the sides and the ingredients for inviting the office of SC/ST Act is not there.

10. It further appears that witnesses namely Umesh Das, Santosh Das, Dilo Das, Tulsi Das, Ramlal Das, Sunita Devi,

Jagdama Devi, Pravati Devi and Sarsawati Devi, whose statements have been recorded at Para-7, 8, 9, 10, 11, 12, 13, 14 and 15 of the case diary, have stated that there were brick batting from both the sides and the appellants have allegedly abused the Informant in the name of his caste, but they stated that dispute arose between them, when the Informant- Sahdeo Das forbade the appellants' side from making measurement of the land.

11. It appears from the records that one Original Suit No. 195 of 2025 has been instituted by the Informant against twenty three (23) persons including the appellants by challenging the execution of Sale Deed no. 497 dated 06.02.2025 and Sale Deed No. 498 dated 06.02.2025 executed by Defendants Nos. 1 to 15 in favour of Defendants Nos. 16 to 19.

12. There appears to be the land dispute between both the parties.

13. It has been held in the case of Hitesh Verma Vrs. State of Uttarakhand and Anr. reported in (2020) 10 SCC 710 at para 16 and 17 as follow:-

“Para-16:-There is a dispute about the possession of the land which is the subject-matter of civil dispute between the parties as per Respondent 2 herself. Due to dispute, the appellant and others were not permitting Respondent 2 to cultivate the land for the last six months. Since the matter is regarding possession of property pending before the civil court, any dispute arising on account of possession of the said property would not disclose an offence under the Act unless the victim is abused, intimidated or harassed only for the reason that she belongs to Scheduled Caste or Scheduled Tribe.

Para-17:-In another judgment reported as Khuman Singhv.State of M.P.[Khuman Singhv.State of M.P.,(2020) 18 SCC 763 : 2019 SCC OnLine SC 1104], this Court held that in a case for applicability of Section 3(2)(v) of the Act, the fact that the deceased belonged to Scheduled Caste would not be

enough to inflict enhanced punishment. This Court held that there was nothing to suggest that the offence was committed by the appellant only because the deceased belonged to Scheduled Caste. The Court held as under:

“15. As held by the Supreme Court, the offence must be such so as to attract the offence under Section 3(2)(v) of the Act. The offence must have been committed against the person on the ground that such person is a member of Scheduled Caste and Scheduled Tribe. In the present case, the fact that the deceased was belonging to “Khangar” Scheduled Caste is not disputed. There is no evidence to show that the offence was committed only on the ground that the victim was a member of the Scheduled Caste and therefore, the conviction of the appellant-accused under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not sustainable.”

14. It has been held by the Hon’ble Supreme Court that if there is land dispute, the provisions of SC/ST Act may not be applied in the case.

15. Considering the facts and circumstances of the case, Appellant No. 1, Narayan Singh, Appellant No. 2, Dharam Singh, Appellant No. 3, Arjun Singh and Appellant No. 4, Dular Singh [in Cr. Appeal (SJ) No. 465 of 2025] and Appellant No. 1, Ajay Kumar @ Ajay Rana and Appellant No. 2, Munna Prasad Singh [in Cr. Appeal (SJ) No. 464 of 2025] are directed to surrender before the learned Court below within six (6) weeks from today and in the event of their arrest or surrender, they are directed to be released on bail, on furnishing bail bond of Rs.15,000/- (Fifteen thousand only) each with two sureties of the like amount each to the satisfaction of Sri Manoj Chandra Jha, learned Additional Sessions Judge-1-cum- Special Judge, SC/ST (POA) Act, Giridih/ or his Successor Court in connection with Bengabad P.S. Case No. 29 of 2025.

16. Accordingly, the Cr. Appeal (SJ) No. 464 of 2025 and Cr. Appeal (SJ) No. 465 of 2025 are allowed and the impugned the order dated 06.05.2025 passed by Sri Manoj Chandra Jha, learned Additional Sessions Judge-1-cum- Special Judge, SC/ST (POA) Act, Giridih in A.B.P. No. 729 of 2025 arising out of Bengabad P.S. Case No. 29 of 2025 is, hereby, set aside.

17. Thus, the Cr. Appeal (SJ) No. 464 of 2025 and Cr. Appeal (SJ) No. 465 of 2025 are allowed and stand disposed of.

(Sanjay Prasad, J.)

Dated 18.02.2026
Kamlesh/