

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 714 of 2026

- 1. Gulam Mustafa Ansari, S/o Late Hatimuddin Ansari, aged about 72 years.
- 2. Naushad Ansari, S/o Gulam Mustafa Ansari, aged about 46 years.
- 3. Murtuza Ansari @ Gulam Murtuza, S/o Gulam Mustafa Ansari, aged about 40 years.
- 4. Pintu Ansari @ Fatekhar Ahmed, S/o Gulam Mustafa Ansari aged about 39 years.
- 5. Mahfuz Ansari, S/o Gulam Ansari, aged about 39 years
All R/o Village-Juriya, P.O.-Lohardaga, P.S.-Lohardaga, District-Lohardaga, Jharkhand, 835302

.... Appellants

Versus

- 1. The State of Jharkhand
 - 2. Victim
- Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Sumit Prakash, Advocate
Mr. Kumar Nitish, Advocate
For the State : Mr. Abhay Kr. Tiwari, APP
For the Victim : Mr. S. Shekhar, Adv.
Ms. Xenia Dhar, Adv.

Order No.03 / Dated : 09.09.2026.

- 1. The present appeal has been filed under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
- 2. Heard learned counsel for the appellant, learned counsel for the State and learned counsel for the respondent No.2/victim.
- 3. Although Section 18 of the SC/ST (PoA) Act bars the grant of anticipatory bail, such bar would not apply in case where no *prima facie* offence under the Act is made out.
- 4. The present appeal has been filed against the order dated 01.06.2026 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Lohardaga, in A.B.P No.132 of 2026 in connection with Lohardaga SC/ST P.S. Case No.04 of 2016, corresponding to G.R. No. 234 of 2016 (SC/ST Case No. 06 of 2017) registered for the offence under Sections 341, 323, 427, 435, 504, 506/34 of the IPC and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of the appellants has been rejected. The case is

presently pending in the Court of learned Special Judge, SC/ST Act, Lohardaga.

5. It has been submitted by the learned counsel for the appellants that the FIR has been lodged after a month of the incident and there is also a land dispute between the parties. On the above basis, prayer for anticipatory bail has been made.

6. On the other hand, learned counsel for the State and the learned counsel for the victim have opposed the prayer for grant of anticipatory bail stating that it is an “*aadiwasi* land” which is non-transferable under the local law. Further, she has been assaulted also and as such, offence under the SC/ST Act is made out. It is further submitted that the parties are known to each other and as such, Section 18 of the SC/ST (PoA) Act gets activated.

7. Having heard the learned counsel for the parties and on perusal of the record, it appears that it is an *aadiwasi* land and the victim has been assaulted also. Thus, offence under the SC/ST Act has been made out.

8. Considering the mandate of Section 18 of the SC/ST (PoA) Act, I am not inclined to grant privilege of anticipatory bail to the appellants. Accordingly, the present criminal appeal is, hereby, dismissed.

(Rajesh Kumar, J.)

09.09.2026
Pawan/
Uploaded on 10.09.2026