

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 719 of 2026

- 1. Ajay Kumar Verma @ Ajay Verma aged about 42 years, S/o Sri Kuldeep Mahto
- 2. Suraj Verma @ Suraj Prasad Mahto, aged about 41 years, S/o Devraj Mahto
- 3. Sanjay Verma @ Sanjay Prasad Verma, aged about 39 years, S/o Devraj Mahto, All resident of village Pandyadih Magjiniya, Vermatola, P.O.-Sirsiya, P.S.-Giridih(M), District-Giridih

.... Appellants

Versus

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

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. S.K. Murthy, Advocate
For the State : Mr. Rajneesh Vartdhan, A.P.P.

Order No.03 / Dated : 09.09.2026.

- 1. The present appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015.
- 2. Heard learned counsel for the appellants and learned counsel for the State.
- 3. In spite of information, nobody has appeared on behalf of the victim/ respondent No.2.
- 4. 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.
- 5. The present appeal has been filed against the order dated 29.05.2026 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (PoA) Act, Giridih in A.B.P No.755 of 2026 arising out of Giridih (M) P.S. Case No.36 of 2026, registered for the offence under Sections 126(2), 115(1), 352, 351(2), 74, 329(4), 303(2), 3(5) of the B.N.S., 2023 and Section 3 (i) (r) and 3(s) 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 Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Giridih.

6. It has been submitted by the learned counsel for the appellants that there is a case and counter case between the parties and allegation of snatching of the article has not been found to be true by the police during investigation. There is simple scuffle between the parties and no offence under the SC/ST Act has been made out. On the above basis, prayer for anticipatory bail has been made.

7. On the other hand, learned counsel for the State has opposed the prayer for grant of anticipatory bail stating that it is a scheduled offence and parties are known to each other and as such, the appellants do not deserve the privilege of anticipatory bail. Reference has been made to the Sections 3(2)(v), 3(2)(va), 8(c) and 18 of the SC/ST (POA) Act.

8. Having heard the learned counsel for the parties and on perusal of the record, it appears that the scheduled offence is made out and parties are known to each other, then the SC/ST (POA) Act gets attracted and once the SC/ ST (POA) Act gets attracted, Section 18 of the SC/ ST (POA) Act gets activated and in such a scenario, prayer for grant of anticipatory bail cannot be allowed.

9. Considering the above fact, 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/

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