

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No.647 of 2025

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1. Rajesh Kumar Singh, S/O late Ripu Sudan Singh, aged about 54 years,
2. Shubham Singh @ Subham Kumar, S/O Rajesh Kumar Singh, aged about 27 years, both are Resident of Dumari Buzurg, P.O.-Nayagaon, P.S.-Nayagaon, District-Saran, Bihar,
3. Sourabh Jerath, S/O Praveen Jerath, aged about 33 years, Resident of Pee Pee Compound, Opposite student cottage, P.O.-G.P.O. P.S.-Hindpiri, District-Ranchi, presently residing at Flat No.73, Tower No.4, Home Land heights, P.O. & P.S.- Mohali SAS Nagar, District-Mohali, Punjab-160071.

.....Appellants

Versus

- 1.The State of Jharkhand
- 2.Raju Nayak, son of Dharmu Nayak, resident of Village-Hahap, P.O. & P.S.-Namkum, District-Ranchi

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant	: Mr. A.K. Kashyap, Sr. Advocate Mr. Anurag Kashyap, Advocate Ms. Supriya Dayal, Advocate
For the State	: Mr. Shiv Shankar Kumar, APP
For the Resp. No.2	: Mr. Rohit Sinha, Advocate Mr. Vijay Shankar, Advocate Mr. M.I. Hassan, Advocate

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ORAL ORDER IN COURT

Order No.05/27th January 2026

1. This criminal appeal has been filed on behalf of the appellants who are apprehending their arrest in connection with A.B.P No.976 of 2025 arising out of SC/ST P.S. Case No.09/2025 for the offences under Sections 351(2), 352, 3(5) of BNS and Section 3(1)(r) and 3(1)(s) of the SC/ST(Prevention of Atrocities) Act, which is pending in the Court of learned A.J.C.-II-cum-Special Judge, SC/ST Act, Ranchi.

2. As per the FIR lodged by one Raju Nayak, who is father of one Rashmi and who is maid in the house of Ankit Kumar Singh @ Anil Kumar Singh at Hesag P.O. Tupudana, District Ranchi and his daughter used too accompany Smt. Megha Singh who is wife of Ankit Kumar Singh. It is alleged that during travel on 03.08.2024 from Ranchi to Patna his daughter, (Rashmi) saw that Smt. Megha Singh sat with one unknown person in the said train and was talking with him and hence his daughter suspected that Smt. Megha Singh was having extra marital affairs with that unknown person. Although, his daughter thought that it would be proper to inform the said matter to Ankit Kumar and his family members but it was not disclosed. Later on Smt. Megha Singh learnt about the same and started threatening her and then the appellant no.1 namely Rajesh Kumar Singh and appellant No.2 namely Shubham Singh, i.e. father and brother of the Megha Singh, threatened his daughter to face dire consequences. Thereafter, his daughter was taken by Smt. Megha Singh to her Maiyka at Chapra, Bihar and where his daughter was abused and threatened due to which his daughter was perplexed.

It is also alleged that the Informant received a call came from unknown number 9122066182 on 28.09.2024 and was threatened to make his daughter to understand of the dire consequences due to which they were under fear.

It is also alleged that on 10.01.2025 at around 06.30 PM in evening, six persons came in a white colour car to his resident and started argument with him and threatened and abused them in the name of their caste and assaulted them and also told them not to interfere in the marital dispute of Ankit Kumar Singh and his family members.

3. Heard Mr. A.K. Kashyap, learned Senior counsel for the appellant and Mr. Shiva Shankar Kumar, learned APP as well as Mr. Rohit Sinha, learned counsel for the Respondent No.2.

4. Learned counsel for the appellants submitted that the appellants are innocent and has not committed any offence. It is submitted that the present case has been instituted against Ankit Kumar Singh and his family members through Raju Nayak, who is the father of the maid servant, in the family of said Ankit Kumar Singh only to put pressure on Megha Singh and her family members. It is submitted that the Megha Singh is allegedly to sit with unknown person on 03.08.2024 in train for which Rashmi came to conclusion that said Megha Singh is in extra marital affairs with that unknown person. It is submitted that no threatening was given to the Informant or his daughter on 28.09.2024 by any unknown number and even the allegation levelled on 10.01.2025 against the three unknown persons are not against the appellants. It is submitted that there is a series of cases is pending between Megha Singh (daughter of appellant no.1 and sister of appellant no.2 and neighbour/well wisher of appellant no.3) and her husband Ankit Kumar Singh. It is submitted that the Megha Singh, daughter of appellant no.1, has instituted the FIR on 22.09.2024 against the Ankit Kumar Singh and his family members giving rise to Nayagaon P.S. No.184 of 2024 for the offences under Sections 126(2), 115(2), 74, 85, 352, 351(2), 79 3(5) of BNS and under Section 3/4 of Dowry Prohibition Act corresponding to Section 323, 354, 498A, 504, 506, 509/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act. It is submitted that the Megha Singh has filed Maintenance Case No.241/2024 on 17.10.2024 for the offence under Section 144 of BNSS 2023

before the learned Principal Judge, Family Court, Chapra, Saran for seeking maintenance for herself and also filed Guardianship Case No.09/2024 on 18.11.2024 before the learned Principal Judge, Family Court, Chapra, Saran which was initially dismissed on the point of jurisdiction and lateron she has filed Guardianship Case being O.S. Case No.250 of 2025 for grant of custody of her minor child. It is submitted that even the Ankit Kumar Singh who is the son-in-law of the appellant no.1 has instituted a case against the appellant no.2 Shubham Singh (i.e. the brother-in-law) Complaint Case No.244/2025 on 06.01.2025 for the offence under Section 406,420 IPC, which is pending in the Court of Sri Mayank Maliyaz, the learned Judicial Magistrate-IX, Ranchi. It is submitted that the Ankit Kumar Singh and his family members and one Raju Nayak have set up the Informant for instituting the case against them in the name of caste which is malicious and hence the appellants may be enlarged on anticipatory bail.

5. On the other hand, learned APP has opposed the prayer of anticipatory bail of the appellants. It is submitted that there is a direct allegation against the appellants for intimidating the Informant and abusing her daughter on various dates. It is submitted that the witnesses namely Seema Devi (wife of the Informant) and Lakshu Swashi (neighbour), whose statement are recorded in Para-9 and 10, of the Case Diary have supported the prosecution case. It is submitted that at Para-35 of the case diary, it shows the mobile location of the appellant at Mohali and the location of the appellant no.2 at Dumri, District Saran. It is also pointed out that on 29.09.2024 that no call was made for threatening the Informant from the mobile number 9122061829 to mobile number 7033031377 of Raju Nayak. However, the

investigation is going on and hence the prayer of bail of the appellants may be rejected.

6. Learned counsel for the Respondent No.2, after adopting the submissions of learned APP, has further submitted that the appellants have threatened the Informant and his daughter specifically and asked to keep away from the daughter of the appellant no.1. It is submitted that the daughter of the Informant has also supported the prosecution case and stated that she was threatened by the family members of the Megha Singh. It is submitted that in view of the judgment passed in the case of Kiran vs. Raj Kumar Shivraj and Ors. reported in Criminal Appeal no.3861 of 2025 which was disposed of 01.09.2025 the Supreme Court has observed in paragraph-6 that there is a bar for granting anticipatory bail under Section 18 of the SC/ST Act (POA) and the Bar is created by Parliament by enacting the provisions of Scheduled Castes and Scheduled Tribes (Preventions of Atrocities Act) 1989.

7. Learned counsel for the Respondent No.2 has strenuously relied upon the said judgment and in view of the judgment of Hon'ble Supreme Court submitted that the anticipatory bail is not maintainable and fit to be dismissed.

8. Having heard learned counsel for both the sides and from perusal of the records of this case, it appears from the FIR that one Rashmi i.e. the daughter of the Informant had seen Megha Singh (who is wife of Ankit Singh and daughter of appellant no.1) had sat with one unknown person in a Hatia Patna train on 03.08.2024 at 04.00PM and arrived at Patna at 10.15PM and due to which the daughter of the Informant had suspected that said Megha Singh is in having illicit extra marital affairs with the said unknown person.

9. It further reveals from the F.I.R that one unknown person called from 9122061829 to the mobile phone of the Informant to threaten them and said to keep away from their family members.

10. It is also alleged that lastly on 10.01.2025 the Informant was threatened by three unknown persons by coming in a white car.

11. From perusal of the statements of witnesses namely Seema Devi (wife of the Informant) and Lakshu Swashi (neighbour) recorded at Para-9 and 10 respectively stated that three unknown persons came in a white car to the house of the Informant and threatened them to face dire consequences but no specific caste name was used by them. However, no allegation has been levelled against the appellants for the occurrence taking place on 10.01.2025.e

12. Thus, it reveals from the F.I.R that on 10.01.2025 that the appellants had not abused the Informant or his daughter.

13. It further reveals that there is a series of cases is pending between Megha Singh (daughter of appellant no.1 and sister of appellant no.2 and neighbour/well wisher of appellant no.3) and her husband Ankit Kumar Singh. Megha Singh, daughter of appellant no.1, has instituted the FIR on 22.09.2024 against the Ankit Kumar Singh and his family members giving rise to Nayagaon P.S. No.184 of 2024 for the offences under Sections 126(2), 115(2), 74, 85, 352, 351(2), 79 3(5) of BNS and under Section 3/4 of Dowry Prohibition Act corresponding to Section 323, 354, 498A, 504, 506, 509/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act. It also appears that the Megha Singh has filed Maintenance Case No.241/2024 on 17.10.2024 for the offence under Section 144 of BNSS 2023

before the learned Principal Judge, Family Court, Chapra, Saran for seeking maintenance for herself and also filed Guardianship Case No.09/2024 on 18.11.2024.

14. So far as the judgment passed in the concerned in the case of Kiran vs. Raj Kumar Shivraj and Ors. reported in criminal appeal no.3861 of 2025, it appears that in the above case, the accused have specifically abused the Informant in the name of his caste outside the house and as such the Hon'ble Supreme Court has observed that the accused persons had abused the Informant outside the house in the name of his caste and hence there was the bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Preventions of Atrocities Act) 1989.

However, in the above judgement also there was an exception which has also been discussed.

15. Therefore, in view of the fact, the case of the Informant that three unknown persons had arrived and abused them in the name of their caste at the jest of the appellant, the judgment of Hon'ble Supreme Court passed in the case of Kiran vs. Raj Kumar Shivraj and Ors. reported in Criminal Appeal no.3861 of 2025 which was disposed of 01.09.2025 will not apply on the facts and circumstances of this case.

16. It would appear that the Informant has been set up with Ankit Kumar Singh and his family members only to put pressure upon the appellant and his daughter by way of instituting the counterblast case as the appellant and his daughter has instituted a case earlier against the Ankit Kumar Singh.

17. On the facts and in the circumstances of this case and also considering both the sides, the appellant no.1 Rajesh Kumar Singh, appellant no.2 Shubham Singh @ Subham Kumar and appellant

no.3 Sourabh Jerath are directed to surrender before the learned Court below within six (06) weeks from today and in the event of his arrest or surrender, the appellant is directed to be released on bail, on furnishing his bail bonds of Rs.15,000/- (Rs. Fifteen Thousand) each with two sureties of the like amount each, to the satisfaction of Sri Yashwant Prakash, learned A.J.C.-II-cum-Special Judge, SC/ST Act, Ranchi or/his successor Court in connection with SC/ST P.S. Case No.09/2025.

18. The impugned order dated 21.06.2025 passed in A.B.P. No.946/2025 passed by Sri Yashwant Prakash, learned A.J.C.-II-cum-Special Judge, SC/ST Act, Ranchi or/his successor Court is set aside.

19. Thus, this Criminal Appeal (SJ) No.674 of 2025 is allowed.

(Sanjay Prasad, J.)

Dated 27.01.2026

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