

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No. 641 of 2025

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Kamlesh Kumar, age about 33 years, S/o Kiran Prasad, R/o 56 Industrial area, Kokar, PO- GPO, PS-Lalpur, Dist.-Ranchi, Jharkhand, Aadhar No. 3269 6870 4801 **Appellant**

Versus

1. The State of Jharkhand
2. Ghode Oraon S/O Late, Chot Gandura Oraon, R/o -Chama, PO + PS- Kanke, District- Ranchi, Jharkhand **Respondents**

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant	: Mr. Aman Kumar Rahul, Advocate Mr. Vishal Kumar, Advocate Ms. Nisha Adhakari, Advocate Ms. Sonali Bhattacharjee, Advocate
For the State	: Ms. Anuradha Sahay, A. P. P.
For the Resp. No. 2	: Mr. Awinash Kumar, Advocate

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04/17.09.2025 The Cr. Appeal (SJ) No. 641 of 2025 has been filed on behalf of the appellant under Section 14 (A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 by challenging the order dated 16.07.2025 passed by Sri Yashwant Prakash, learned Additional Judicial Commissioner- II-cum-Special Judge, SC/ST Act, Ranchi in Misc. Cri. Application No. 1145 of 2025 arising out of Kanke P. S. Case No. 86 of 2025 instituted for the offences under Sections 126 (2), 115 (2), 329 (3), 338, 336 (3), 340 (2), 318 (4), 3 (5), 352, 351 (2), 351 (3), 61 (2) of BNS and Section 3 (1)(x) of the SC/ST Act by which the prayer for bail of the appellant has been rejected.

2. As per the FIR, the co-accused Umesh Toppo, Shankar Kujur and Rajesh Linda are alleged to have sold 5.37 Acres of land to non-tribal people by changing the nature of land in collusion with the officials and staffs of the Anchal Office and the name of the

Informant was removed from the Register -II and Online Receipts were also stopped from being issued after the year 2021 and the boundary wall was constructed and they have taken Thumb Impression of his relatives on the blank papers. It is also alleged that the said co-accused Umesh Toppo, Shankar Kujur, Rajesh Linda and Kamlesh Singh (i.e. the appellant) is also alleged to have sold ten (10) Acres of land to Non Tribble People. While boundary wall was being constructed, he went there to forbade them and thus, he was assaulted by the appellant and his bouncers.

3. Heard Mr. Aman Kumar Rahul, learned counsel for the appellant, Ms. Anuradha Sahay, learned counsel for the State and Mr. Awinash Kumar, learned counsel for the respondent no. 2.

4. Learned counsel for the appellant has submitted that the impugned order passed by the learned Court below is illegal, arbitrary and not sustainable in eye of law. It is submitted that the appellant is innocent and has not committed any offence. It is submitted that the Appellant has been named along with Umesh Toppo, Shankar Kujur and Rajesh Linda allegedly for selling the land in question of the Informant in the year 2021, however, the FIR was lodged in the year 2025. It is submitted that the co-accused Umesh Toppo has already been granted bail by the Co-ordinate Bench (Hon'ble Mr. Justice Ambuj Nath) of this Court in B. A. No. 6154 of 2025 vide order dated 23.07.2025. It is submitted that another co-accused Brajesh Kumar Singh has been granted Anticipatory Bail in Cr. Appeal (SJ) no. 415 of 2025 vide order dated 17.07.2025 passed by this Court. It is submitted that the appellant is in custody since 02.06.2025 and hence, the appellant may be enlarged on bail.

5. Learned counsel for the State has opposed the prayer for

bail. It is submitted that the appellant with other co-accused have actively connived and sold the land of the Informant to the non-tribal people. It has come in the case diary that the appellant has taken active part in selling the land and by changing the nature of the land. It is submitted that the appellant has got criminal antecedent and hence, the prayer for bail of the appellant may be rejected.

6. Learned counsel for the Respondent no. 2, after adopting the submission of the learned counsel for the State, has further rsubmitted that several accused persons namely Umesh Toppo, Shankar Kujur and Rajesh Linda have obtained the Thumb Impression of the Informant and their family members on blank papers and they have sold the various land to the non-tribal people. It is submitted that online receipts of the land of the Informant is not being issued to him and his name has been struck off from the Register- II. It is submitted that this appellant has actively connived with the above co-accused persons and hence prayer for bail of the appellant may be rejected.

7. Perused the Records and considered the submissions of learned counsels for both the sides.

8. It appears from the FIR that the appellant and other accused persons namely Umesh Toppo, Shankar Kujur and Rajesh Linda are alleged to have sold the land of the Informant to some non- tribal people.

9. It appears from the FIR that the appellant is alleged to have assaulted and abused the Informant in the name of his Caste, when he has objected the construction of boundary wall. However, there is no specific date that when he had gone and when he was abused by the appellant and other co-accused persons.

10. It appears that one co-accused Brajesh Kumar Singh has been granted Anticipatory Bail in Cr. Appeal (SJ) no. 415 of 2025 vide order dated 17.07.2025 passed by this Court.

11. It further appears that one another co-accused Umesh Toppo, who is alleged to have sold the land of the Informant to the non-tribal people, has already been granted bail by the Co-ordinate Bench (Hon'ble Mr. Justice Ambuj Nath) of this Court in B. A. No. 6154 of 2025 vide order dated 23.07.2025.

12. Considering the facts and circumstances of the case and also the fact that the other co-accused has also been granted bail, the appellant- Kamlesh Kumar is directed to be released on bail, on furnishing bail bond of Rs. 20,000/- (Twenty thousand only) with two sureties of the like amount each to the satisfaction of Sri Yashwant Prakash, learned Additional Judicial Commissioner- II-cum-Special Judge, SC/ST Act, Ranchi/or his Successor Court in connection with Kanke P. S. Case No. 86 of 2025.

13. Accordingly, the Cr. Appeal (SJ) No. 641 of 2025 is allowed and the impugned order dated 16.07.2025 passed by Sri Yashwant Prakash, learned Additional Judicial Commissioner- II-cum-Special Judge, SC/ST Act, Ranchi in Misc. Cri. Application No. 1145 of 2025 arising out of Kanke P. S. Case No. 86 of 2025 is, hereby, set aside.

14. Thus, the Cr. Appeal (SJ) No. 641 of 2025 is allowed and stands disposed of.

(Sanjay Prasad, J.)

Dated 17.09.2025
Kamlesh/