

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.870 of 2026

Manaruddin Ansari alias Ranwa Ansari, aged about 28 years, son of late Md. Rajauddin Ansari, resident of Village Madhuban, P.O. Astajora, P.S. - Kathikund, District - Dumka, State Jharkhand - 814103. **Appellant**

Versus

1. The State of Jharkhand
2. Nehru Mohali @ Banb Mohali, son of Bhokta Mohali, resident of Village Astajora, P.O. - Astajora, P.S. - Kathikund, District - Dumka. **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mrs. J. Mazumdar, Advocate
For the State : Mr. Pankaj Kr. Mishra, A.P.P

Order No.02/ Dated: 09th September, 2026

1. Heard learned counsel for the appellant and learned counsel for the State.
2. The present appeal has been filed under Section 14 A(2) of the Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act, 1989 [in short SC/ ST (POA) Act], for grant of anticipatory bail though the same bars under Section 18 of the SC/ST (POA) Act.

The present appeal has been filed against the order dated 10.08.2026, passed by the court of learned Additional Sessions Judge-I, Dumka, in A.B.P No.314 of 2026, whereby the prayer for grant of anticipatory bail to the appellant has been rejected in connection with Kathikund P.S. Case No.23 of 2025, registered for the offence under Sections 115/ 117(2)/ 126(2)/ 303(2)/ 351(2)/ 352/ 3(5) of the BNS, 2023 and Section 3(1)(s) of the SC/ ST (POA) Act, pending in the court of learned Additional Sessions Judge - I, Dumka.

3. It has been submitted by the learned counsel for the appellant that the F.I.R is false and frivolous and no offence under the SC/ST (POA) Act, is made out and as such the prayer for anticipatory bail is maintainable. It has been further submitted that the daughter of one of the accused

namely, Khairuddin Ansari, was missing and subsequently her dead body was recovered, for which a case was lodged against the informant of the present case and as a counter blast, the present false case has been lodged by the informant. On the above basis, prayer for anticipatory bail has been made.

4. On the other hand, learned counsel for the State has opposed the prayer for grant of anticipatory bail to the appellant. Learned A.P.P while referring to the allegation, it has been submitted that offence under the SC/ ST (POA) Act is made out and Section 18 of the SC/ ST (POA) Act, gets activated. in the present case as there is a clear cut allegation of assault and as such the offence under Section 323 of IPC [corresponding 115 BNS] is made out which is a scheduled offence and further, the parties are known to each other.

5. Having heard learned counsel for the parties and from perusal of the Parliamentary Law, it is quite evident that whenever an offence under the SC/ ST (POA) Act is made out, Section 18 of the same Act gets attracted and the jurisdiction of the Court gets barred so far as grant of anticipatory bail is concerned.

6. So far as the facts of the present case is concerned, reference may be made to the Sections 3(2)(v), 3(2)(va) and 8(c) of the SC/ ST (POA) Act, which are quoted herein below :-

“ 3. Punishment for offences of atrocities.—

(1).

(2) (v) commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine;”

(2) (va) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to fine;”

8. Presumption as to offences.— In a prosecution for an offence under this Chapter, if it is proved that—

(a)

(b)

(c) the accused was having personal knowledge of the

victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved."

Since a schedule offence is made out as per Section 3(2) (va) of the SC/ ST (POA) Act and considering the mandate of Section 8(c) of the SC/ ST (POA) Act, this Court finds that Section 18 of the Act, gets activated and as such the anticipatory bail application is not maintainable.

7. In view of the above finding, no notice is required to be issued to the victim/ respondent No.02 as the case has been held to be not maintainable.

8 In that view of the matter, I find no reason to interfere with the impugned order accordingly, the present criminal appeal stands dismissed.

9. It is, hereby, clarified that any observation made herein-above is only for the purpose of the present proceeding.

(Rajesh Kumar, J.)

09th September, 2026
Ravi-Chandan/-
Uploaded on 10.09.2026