

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No. 814 of 2025

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1. Sudesh Kumar Gupta @ Sudesh Prasad Gupta, aged about 55 years, S/o Chiranji Prasad Gupta,
2. Sudhir Kumar Gupta @ Sudhir Prasad Gupta, aged about 59 years, S/o Chiranji Prasad Gupta,
3. Arun Kumar Gupta, aged about 65 years, S/o Chiranji Prasad Gupta,
4. Ashok Kumar Gupta, aged about 69 years, S/o Chiranji Prasad Gupta,
5. Raju Prasad Gupta @ Raju Gupta, aged about 62 years, S/o Bhagawat Prasad Gupta,
6. Rohit Prasad Gupta @ Rohit Kumar Gupta @ Rohit Gupta, aged about 34 years, S/o Arun Kumar Gupta,
7. Guddu Kumar Sinha @ Guddu Sinha @ Avinash, aged about 51 years, S/o Anup Narayan Sinha.

All are resident of village Dhariyadh, P.S. Giridih(T), P.O. & District Giridih.

..... Appellants

Versus

1. The State of Jharkhand
2. Lakhan Das, Son of Late Amrit Das, Resident of Village-Dhanyadh, PS- Giridih (Town), PO and District- Giridih,

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellants : Mr. Prabhat Kumar Sinha, Advocate

For the State : Mr. Santosh Kumar Shukla, A. P. P.

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ORAL ORER IN COURT

05/27.11.2025

This Criminal Appeal has been filed on behalf of the appellants under section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for grant of anticipatory bail by challenging the order dated 09.07.2025 passed by Sri Manoj Chandra Jha, learned Additional Sessions Judge-I-cum-Special Judge SC/ST (POA), Giridih in A.B.P. No. 955 of

2025, arising out of Complainant Case No. 439 of 2010 by which the prayer for Anticipatory Bail of the appellants has been rejected.

2. Heard learned counsel for the appellants and learned APP for the State.

3. Learned counsel for the appellants has submitted that the impugned order passed by the learned Court below rejecting the anticipatory bail of the appellants is illegal and not sustainable in the eye of law. It is submitted that no occurrence as alleged by the complaint was ever taken up. In fact, there is dispute with respect of land is going on between the parties as the appellants have also their land in Khata no. 83 which are duly purchased land from rightful vendor and thereafter they mutated their name for the same and continuously paying rent to the state. The complainant taking advantage of his caste with view to putting pressure upon the appellants in order to grab land of the appellants implicated them in the instant case on the basis of false and cooked up story. It is submitted that the appellants had never assaulted the complainant or misbehaved with him in any manner. It is submitted that main cause of dispute is civil in nature and is with respect to land. It is further submitted that in catena of decisions, the Hon'ble Supreme Court of India as well as several High Courts held that criminal coloration of civil matter is an abuse of process of law and civil disputes cannot be converted into an SC/St matter. It is submitted that the Hon'ble Supreme Court of India in case of Hitesh Verma Versus State of Uttarakhand reported in (2020) 10 SCC 710 categorically held that civil disputes (land/property rights) cannot be converted in to

criminal case under the SC/ST Act. It has been submitted that earlier Anticipatory Bail Application could not be filed as there was interim protection to the appellants in Cr. M. P. No. 1358 of 2011. It is further submitted that after withdrawal of the Cr. M. P. No. 1358 of 2011 on 17.04.2021, the appellants have filed Anticipatory Bail Application and hence the appellants may be enlarged on anticipatory bail.

4. On the other hand, learned APP has opposed the prayer for anticipatory bail. It is submitted that there is direct allegation against the appellants for abusing the Informant by the name of his caste and also making sarcastic remarks. It is submitted that there is delay of fifteen (15) years in filing this Anticipatory Bail Application.

5. Perused the records of this case and considered the submission of both the sides.

6. It appears that occurrence had taken place in the year 2010 and the prayer for Anticipatory Bail has been made on the behalf of the appellant in the year 2025 i.e. after lapse of fourteen (14) years.

7. It appears that the appellants had challenged the order taking cognizance dated 10.06.2011 by filing Cr. M. P. No. 1358 of 2011 before this Court, which was withdrawn vide order dated 17.04.2021 before the Co-ordinate Bench (Hon'ble Mrs. Justice Anubha Rawat Choudhary) of this Court.

8. It further appears that even the present Anticipatory Bail Application has been filed after delay of more than four years. Thus, Anticipatory Bail has been filed on behalf of the appellants after lapse of four (04) years even after dismissal of

Cr. M. P. No. 1358 of 2011 on 17.04.2021.

9. Under the circumstances, there is no merit in this Cr. Appeal (SJ) No. 814 of 2025 and hence, the order dated 09.07.2025 passed by Sri Manoj Chandra Jha, learned Additional Sessions Judge-I-cum-Special Judge SC/ST (POA), Giridih in A.B.P. No. 955 of 2025, arising out of Complainant Case No. 439 of 2010 is upheld.

10. Accordingly, the prayer for Anticipatory Bail of the appellant is rejected.

11. Thus, Cr. Appeal (SJ) No. 814 of 2025 is dismissed and stands disposed of.

(Sanjay Prasad, J.)

Dated 27.11.2025
Kamlesh/