

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J) No.73 of 2026

Kumar Gourab Sinha, aged about 39 years, Son of Mithilesh Kumar Sinha,
 resident of Ganespur, P.O. & P.S. Shikaripara, District Dumka, Jharkhand

..... **Appellant(s)**

-Versus-

1. The State of Jharkhand
2. Dipak Kumar, son of Lalan Kumar Choudhary, resident of P.O. & P.S. Shikaripara, District Dumka, Jharkhand

.... **Respondent(s)**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant	: Mr. Rahul Kumar, Adv.
For the State	: Mr. Sanat Kr. Jha, A.P.P
For the Respondent No.2	: Mr. S.K. Tiwari, Adv.

07/Dated: 29th June, 2026

1. The present appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. Heard learned counsel for the appellant and learned counsel for the State and learned counsel for the respondent No.2/victim.
3. It is well settled that 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.
4. The present appeal has been filed against the order dated 14.11.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST) Dumka, in A.B.P No.454 of 2025 in connection with Shikaripara P.S. Case No.35 of 2020 registered for the offence under Sections 448, 504, 506, 379, 147, 149 & 427 of the Indian Penal Code and Sections 3, 4 & 10 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The case is presently pending in the Court of learned Additional Sessions Judge-I-cum-Special Judge (SC/ST), Dumka.
5. It has been submitted by the learned counsel for the appellant that the appellant was not present in the village as per the investigation. It is simply a land dispute between the parties. It has also been submitted that the appellant has not participated in the alleged crime.

So far as legal position is concerned, it can be invoked only if non-member has committed offence against a member of the Scheduled Castes and Scheduled Tribe. In the present case, several persons have been made an accused, whether person so named are non-members of the said group or not that has not been ascertained and as such, provisions of Section 18 of the SC/ST (PoA) Act cannot be invoked.

6. Learned counsel for the State and the learned counsel for the respondent No.2 have opposed the prayer for anticipatory bail stating that a member of SC/ST Community has been abused and assaulted.

7. Considering the factual matrix of the present case, it appears that there is simply a land dispute between the parties and the appellant was not present at the place of occurrence on the relevant time. Further, the accused is a member of the said group that has not been ascertained which is a *sine qua non* for invoking the act.

8. Hence, I am inclined to grant anticipatory bail to the appellant. Accordingly, the appellant, named above, is directed to surrender in the trial court within four weeks from the date of receipt/production of a copy of this order, and in the event of their arrest or surrender, he shall be enlarged on anticipatory bail, on his furnishing bail bond of Rs.10,000/- (*Rs. Ten Thousand*) with two sureties of the like amount each, to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST), Dumka in connection with Shikaripara P.S. Case No.35 of 2020, on the conditions as laid down under Section **482 of the B.N.S.S., 2023**. Further, the appellant(s) will submit self-attested photocopy of his /her/their Aadhaar Card(s) and also submit his/her/their mobile number(s) before the learned trial court which he/she/they will always keep active and will not change it without prior permission of the court, till conclusion of the case.

9. In the result, the present criminal appeal stands allowed and accordingly, disposed of.

(Rajesh Kumar, J.)

Dated: 29th June, 2026
Raja/- Uploaded on 30.06.2026