2026:JHHC:29985

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J) No.154 of 2026

Ajay Kumar Das, aged about 44 years, S/o Nilkanth Das, R/o of Village Bhalsundha, Jamgoria, Tola Naya Tand, P.O. Chas, & P.S. Chira Chas, District Bokaro, Jharkhand **…. …. Appellant(s)**

-Versus-

1. The State of Jharkhand

2. Smt. Geeta Devi, W/o Late Mukesh Kumar Rajak, R/o Village Kasmar (Chatti), P.O. & P.S. Kasmar, District Bokaro, Jharkhand

…. …. Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Soumitra Baroi, Adv.
For the State : Mr. Rajesh Kumar, A.P.P.

11/Dated: 07th October, 2026

1. Heard learned counsel for the appellant and learned counsel for the State.

2. The present criminal appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) 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 17.01.2026 passed by the learned Additional Sessions Judge-I, Bokaro in A.B.P No.1052 of 2025 whereby and whereunder the prayer for grant of anticipatory bail of the appellant has been rejected in connection with C.P Case No.153 of 2017, for the offence under Sections 353 & 323 of the Indian Penal Code & Section 3 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, Bokaro.

3. By referring to the judgment of the Hon'ble Apex Court in the case *of* ***Jimmy Jahangir Madan vrs. Bolly Cariyappa Hindley (Dead) By Lrs*** *reported in* ***(2004) 12 SCC 509,*** submission has been made by the learned counsel for the appellant that no anticipatory bail is maintainable in the matter of Complaint Case.

4. It has further been submitted that in the present case, a complaint bearing Complaint Case No.153 of 2017 has been filed by the victim, who has subsequently died during pendency of the present criminal appeal. Thereafter, he

has been substituted vide order dated 02.07.2026 and the notice has already been served upon the heir(s), but in spite of that, nobody appears to pursue in the matter.

5. It is strange as because in the complaint case the victim has not been substituted till date which also cast question regarding the maintainability of the proceeding before the Trial Court.

6. It has been submitted by the learned counsel for the appellant that the appellant is a member of Scheduled Caste community, and as such, no offence can be made against him under the SC/ST (PoA) Act. Further, it has been submitted that there is no service of notice upon him, and as such, issuance of *non-bailable warrant* of arrest is not warranted. The appellant has also shown his willingness to participate in the pending trial.

7. In that view of the matter, the order dated 19.07.2025 passed by the Court of the learned Special Judge, Bokaro in SC/ST Case No.29 of 2017 is hereby, quashed and set-aside.

8. The appellant is directed to appear before the Trial Court within a period of four weeks from today and participate in the pending trial by furnishing bond. The Trial Court is directed to accept the bond of the appellant and proceed further as per the mandate of the Hon'ble Apex Court.

9. With the above direction, the present criminal appeal is hereby, disposed of.

(Rajesh Kumar, J.)

Dated: 07th October, 2026
Raja/- Uploaded on 08.10.2026