IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 427 of 2026

Chandan Kumar Mishra, aged about 48 years, S/o Sharmanand Mishra, R/o Flat No.208, Vishal Meghamart, P.S. Ulidih, P.O. Mango, Town Jamshedpur, District East Singhbhum

.... …. Appellant

Versus

1. The State of Jharkhand
2. Suchitra Sardar, aged about 46 years, W/o Hiten Sardar, R/o village-Kowali, P.O. + P.S.-Kowali, Dist.-East Singhbhum

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Binod Singh, Advocate
Mr. Ajay Kr. Jha, Adv.
For the State : Mr. Pankaj Kumar, PP
For the Informant/Victim : Mr. Vikash Kumar, Adv.

Order No.06 / Dated : 07.10.2026.

1. The present appeal has been filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard learned counsel for the appellant, learned counsel for the State and the learned counsel for the respondent No.2/victim.

3. 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 criminal appeal has been filed against the order dated 15.04.2026 passed by the learned Additional Sessions Judge-I-cum-Special Judge SC/ST (PoA) Act, Jamshedpur in A.B.P No.363 of 2026 arising out of Kowali P.S. Case No.03 of 2026, registered for the offence under Sections 318(4), 316(2), 352, 351(2) of the BNS, 2023 read with Sections 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act whereby the prayer for grant of anticipatory bail of the appellant has been rejected. The case is presently pending in the Court of learned Additional Sessions Judge-I Cum Special Judge SC/ST (PoA) Act, Jamshedpur, East Singhbhum.

5. It has been submitted by the learned counsel for the appellant that protective provision of the SC/ST Act has been misused. On the above basis, the prayer for bail has been made.

6. From the argument of the learned Public Prosecutor appearing for the State, it appears that the FIR being Kowali P.S. Case No. 40 of 2018 has been lodged in which allegation has been made regarding the bungling of government money in construction of the *Souchalaya.* It further appears that during investigation, the police have found material against the present victim and others and accordingly, charge-sheet has been submitted. It further appears that in the present case, the allegation has been made against the appellant for non-completion of the construction work. Thus, it is nothing but creation of defense by misusing the protective provision of the SC/ST Act.

7. Learned counsel for the victim has opposed the prayer for anticipatory bail stating that abusive language has been used and as such, Section 18 of the SC/ST Act gets attracted.

8. Considering the above facts, 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 his 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 learned Additional Sessions Judge-I Cum Special Judge SC/ST (PoA) Act, Jamshedpur, East Singhbhum, arising out of Kowali P.S. Case No.03 of 2026, 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.**)

07.10.2026
Pawan
Uploaded on 08.10.2026