IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 738 of 2026

---

1. Sudama Prasad Gupta @ Sudama Kumar Gupta, aged about 32 years, S/o Ashok Kumar Gupta
2. Naveen Kumar Sahu, aged about 35 years, S/o Ganga Sahu
3. Kamlesh Thakur, aged about 46 years. S/o Radhika Thakur
4. Ashish Soni, aged about 34 years, S/o Nandkishor Soni
5. Amit Kumar Nag, aged about 42 years, S/o Bajrang Prasad Nag

All resident of village-Main Road, Ghaghra, P.O. & P.S.-Ghaghra, Dist.-Gumla .... …. Appellants

Versus

1. The State of Jharkhand
2. Bandhan Oraon, aged about 23 years, S/o Late Somra Oraon, R/o Village-Hospital Road, Bandhan Electronic, Ghaghra, P.O. and P.S.-Gumla, Dist.-Gumla .... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. A.K. Chaturvedy, Advocate
Mr. A.K. Sinha, Adv.
Mr. Hadish Ansari, Adv.
Mr. Kumar Nishant, Adv.
For the State : Mr. P.D. Agrawal, APP
For the Informant/Victim : Mr. Rajesh Kumar Mishra, Adv.
Mr. Praveen Kumar Pandey, Adv.
Mr. Pawan Kumar Choudhary, Adv.

Order No.04 / 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 appellants, 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 appeal has been filed against the order dated 06.07.2026 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Gumla in A.B.P No.282 of 2026 in connection with Ghaghra P.S. Case No.82 of 2024, for the offence under Sections 189(2), 190, 191(1), 115(2), 109, 324(4), 326(f), 308(2) & 352 of the B.N.S, 2023 and Sections 3(1)(s) & 3(1)(r) 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, Gumla.

5. It has been submitted by the learned counsel for the appellants that three FIRs have been lodged in respect of the same incident. It has further been submitted that the present F.I.R. has been registered due to dispute regarding the demand of *Chanda*. It has further been submitted that the provision of the SC/ST (PoA) Act can only be invoked in the event when a non-member has committed crime against a member of the SC/ST Community. In the present case, the alleged crime has been committed by a group. In that case, group has to be consisting of a non-member. As per the police investigation, it is not a non-member group, rather some of the individuals are the members of SC/ST. Thus, formation of the alleged group, who have committed the crime, is not on the basis of caste and as such, the provisions of SC/ST (POA) Act is not applicable. On that basis, prayer for anticipatory bail has been made.

6. Learned counsel for the State and the learned counsel for the respondent No.2 have opposed the prayer for anticipatory bail but could not dispute the above factual matrix.

7. Considering the fact that a group who has committed crime is a mixed group and it is nothing but a dispute regarding the demand of *chanda* and as such, I am inclined to grant anticipatory bail to the appellants. Accordingly, the appellants, named above, are 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, they shall be enlarged on anticipatory bail, on their furnishing bail bond of Rs.10,000/- (Rs. Ten Thousand) each with two sureties of the like amount each, to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, Gumla in connection with Ghaghra P.S. Case No.82 of 2024, 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.

8. 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