2026:JHHC:29981

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.979 of 2026

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1. Rinku Kumar Gupta, aged about 33 years, Son of Om Prakash Gupta
2. Prabhat Kumar Gupta, aged about 48 years, Son of Late Kapil Muni Sahu
3. Kush Sahu, aged about 26 years, Son of Kajru Sahu
4. Shambhu Prasad Sahu, aged about 52 years, Son of Late Kapil Muni Sahi
5. Lav Sahu, aged about 26 years, Son of Kajaru Sahu

All Res 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, Res of vill. -Hospital Road Bandhan Electronic, P.O and P.S – Ghaghra, Dist. - Gumla. **..... Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. A. K. Chaturvedi, Advocate
For the State : Mr. Shashi Kr. Verma, A.P.P
For the Resp. No.2 : Mr. Rajesh Kr. Mishra, Advocate

Order No.03/ Dated: 07th October, 2026

1. Heard learned counsel for the appellants, learned A.P.P and learned counsel for the respondent No.2/ victim.

2. The present appeal has been filed under Section 14 (a)(2) of the Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act, [in short SC/ST (POA) Act]. Although Section 18 of the SC/ST (POA) Act, bars the grant of anticipatory bail but such bar would not apply in the case where no *prima facie* offence under the SC/ST (POA) Act, is made out.

3. The present appeal has been filed against the order dated 06.07.2026, passed by the court of learned Additional Sessions Judge – I -cum Special Judge, Gumla, in A.B.P No.282 of 2026, whereby the prayer for grant of anticipatory bail to the appellants has been rejected in connection with Ghaghra P.S. Case No.82 of 2024, registered 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 SC/ST (POA) Act.

4. It has been submitted by the learned counsel for the appellants that three FIRs have been lodged in respect of the

same incident. 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 members of SC/ST community. 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. It has also been submitted that the co-accused have already been granted anticipatory bail by this Court vide order dated 18.06.2026, passed in Cr. Appeal (S.J) No.295/2025. On the above basis, prayer for anticipatory bail has been made.

5. Learned A.P.P and learned counsel for the respondent No.2 have opposed the prayer for grant of anticipatory bail.

6. 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 are directed to surrender in the court below within four weeks from the date of receipt/ production of the copy of this order and in the event of their arrest or surrender, they shall be enlarged on bail, on their furnishing bail bond of Rs.10,000/- (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 appellants will submit self-attested photocopy of their *Aadhaar* Cards and also submit their mobile numbers before the learned court below which they will always keep active and will not change it during pendency of the case without prior permission of the court.

7. In the result, the appeal is, hereby, allowed and accordingly disposed of.

(Rajesh Kumar, J.)

07th October, 2026
Chandan/-
Uploaded on 08.10.2026