



IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No.586 of 2022

1. Rajesh Ranjan @ Munna Singh		
2. Vikash Krishna Gahalaut		
@ Vikhas Krishna Gahalaut		Appellants
Versus		
1. The State of Jharkhand		
2. Yasoda Devi		Respondents

CORAM: HON'BLE MR. JUSTICE NAVNEET KUMAR

For the Appellants	:	Mr. R.S. Mazumdar, Sr. Advocate Mr. Ajit Kumar, Advocate Mr. Nishant Kr. Roy, Advocate
For the State	:	Mr. Santosh Kr. Sukla, APP

5/15.02.2023 Heard learned counsel appearing on behalf of the appellants and learned APP appearing on behalf of the State.

At the outset the learned APP furnished the counter affidavit on behalf of the State submitting therein that the notice to the complainant O.P. No. 2 Yashoda Devi has been duly served and the copy of the receipt of the notice has been annexed with the counter affidavit vide Annexure-A. From perusal of the Annexure-A, it appears that the notice has been duly served upon the complainant O.P. No. 2 Yashoda Devi but despite proper service of notice, the complainant did not appear.

It has been submitted on behalf of the appellants that this appeal has been preferred against the order dated 27.06.2022, passed by learned Additional Sessions Judge-VI, Hazaribagh in SC/ST Case No. 56 of 2020, by which, the prayer of the appellants for the grant of anticipatory bail has been rejected by the learned court below in A.B.P. No. 837 of 2022.

It has been submitted on behalf of the appellants that O.P. No. 02 has instituted a complaint case no. SC/ST Case No. 56/2020 dt. 27.06.2022 registered u/Ss. 323/34 of the IPC r/w S. 3(i)(s) of the Sc/St Act against these two appellants alleging therein that the mother of O.P. No. 02 (Sugia Devi) died about 10 years ago but accused Mahesh Kumar still uses ration card having its Ration Card No. 202003043211 to withdraw ration in her name illegally after taking her ration card from the complainant to get it cancelled and whenever the complainant



demanded to return it back, he started to make excuses for which she informed the D.C., Hazaribagh in writing. Getting such information, accused no. 01, namely, Mahesh Kumar Singh along with his sons on 01.06.2020 came near the ration shop and started abusing her caste, thus she claimed that these accused till filing the case, have already taken 70 k.g. rice fraudulently by putting the thumb impression of deceased mother, thereafter, she again requested him to return the ration card but the accused further threatened, so on 23.09.2020 at 05:00 p.m., she approached the Police Station but no step was taken there, hence the present complaint case was instituted by her.

It has been pointed out that there is no whisper of any kind of allegation against these two appellants in the S.A. of the complainant, which has been recorded during the course of the inquiry of the complaint case instituted by the O.P. No. 2. Learned counsel appearing on behalf of the appellants has furnished a copy of S.A. by way of supplementary affidavit. From perusal of the said S.A., it appears that the entire allegations, if any, is against the co-accused Mahesh Singh and not against anyone of the accused-appellants. Further it has been pointed out that the dispute is with respect to the ration card of the complainant's mother and there is no allegation against anyone of the appellants for hurling abusive languages by taking the name of the caste in order to attract the offence punishable under Section 3 (i)(s) of SC/ST Act and therefore no offence under section 3 (i)(s) of SC/ST Act is made out and also, other offences under sections 323/ 34 of IPC are bailable in nature.

On the other hand, learned APP appearing on behalf of the State opposed the contentions raised on behalf of the appellants, but did not controvert the fact that there is no specific allegation against these two appellants.

Having heard the parties, perused the record of the case.

In the light of the forceful submission advanced on behalf of the appellants, it is found from the record that there is no whisper about the offence under section 3 (i) (s) of SC/ST Act against any one of the appellants and therefore no *prima facie* case under section 3 (i)(s) of



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SC/ST Act is made out against anyone of the appellants. It is further manifest that the other sections, i.e. under sections 323 / 34 of IPC, in which the summoning order has been passed against these two appellants, are bailable in nature.

Under the facts and circumstances of this case, both the appellants above named are directed to be enlarged on bail in the event of their arrest/ surrender on furnishing bail bond of Rs.25,000/- (Rupees Twenty-Five Thousands only) with two sureties of the like amount each to the satisfaction of the court of learned Additional Sessions Judge-VI, Hazaribagh in connection with SC/ST Case No. 56 of 2020, subject to the conditions as laid down under Section 438 of Cr.P.C.

Accordingly, the impugned order dated 27.06.2022, passed in A.B.P. No. 837/2022 by learned Additional Sessions Judge-VI, Hazaribagh, in SC/ST Case No. 56 of 2020 is set-aside and this criminal appeal is allowed.

(Navneet Kumar, J.)

R.Kumar