

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal(S.J) No.659 of 2024

Nilam Devi @ Neelam Devi, w/o - Arun Kumar Gupta, aged about 46 years, resident of Village - Ward no.1, Bishnupur Road, Jhumri Telaiya, P.O. + P.S. - Jhumri Telaiya, District - Koderma, (Jharkhand)

..... **Appellant**

Versus

1. The State of Jharkhand
2. Mithilesh Kumar Bhuiya s/o Arjun Bhuiya Aged about 38 years, R/o - Village - Bhadodih, ward no.17, P.O.+P.S. - Telaiya, District - Koderma, Jharkhand. **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Dhirendra Kr. Deo, Advocate
Mr. Sumit Kumar, Advocate
For the State : Mr. Kumari Rashmi, A.P.P
For the Resp. No.2 :

05/Dated: 29th November, 2024

I.A. No.10420 of 2024

1. The present interlocutory application has been filed under Section 5 of the Limitation Act for condoning the delay of 794 days in preferring the present appeal.
2. Since it is a matter of liberty, this appeal is, hereby entertained and delay in filing the appeal is, hereby, condoned.
3. I.A. No.10420 of 2020 stands allowed.

Cr. Appeal (S.J) No.659 of 2024

1. Heard learned counsel for the appellant and learned counsel for the State.
2. In spite of valid service of notice, nobody appears on behalf of the victim/ respondent No.2.
3. The present criminal appeal has been filed in the nature of anticipatory bail although the same is barred under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The appellant has approached this Court against the order dated 17.07.2021, passed by the court of learned District & Additional Sessions Judge - I -cum- Special Judge (SC/ST), Koderma in A.B.P. No.228 of 2021, whereby the prayer for grant of anticipatory bail to the appellant has been rejected,

in connection with Telaiya P.S. Case No.89 of 2021, registered for the offence under Sections 341/ 323/ 325/ 307/ 379/ 338/ 353/ 427/ 504/ 34 of the Indian Penal Code and Section 3 (I)(S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. It has been submitted by the learned counsel for the appellant that it is a neighbourhood dispute and further, the victim/ respondent No.2 has himself stated that he is not interested in pursuing the present appeal as there is compromise between the parties. On the above basis, it has been submitted that the anticipatory bail is maintainable and further, the appellant is entitled for grant of the privilege of anticipatory bail.

5. On the other hand learned counsel for the State has opposed the prayer for anticipatory bail and has submitted that the anticipatory bail is not maintainable. It has further been submitted that the offence is non-compoundable in nature.

6. Considering the nature of allegation, materials available on record and the specific mandate of Section 18 of the SC/ ST (POA) Act, I am not inclined to grant the privilege of anticipatory bail to the appellant.

7. Accordingly, the present criminal appeal stands dismissed.

(Rajesh Kumar, J.)

Chandan/-