

IN THE HIGH COURT OF JHARKHAND AT RANCHI**Cr. Appeal (S.J) No. 670 of 2025**

1.Safikul Shekh aged about 25 years, S/o Islam Shekh
 2.Jalil Shekh @ Jalil Sk, aged about 30 years, S/o Faijul Shekh,
 3.Kashim Shekh @ Abdul Kasim @ Abul Kasim, aged about 44
 years, S/o Md. Humayun, All are R/o Sirasin, P.O. Sirasin, P.S-
 Barherwa, District-Sahibganj (Jharkhand)

..... Appellants

Versus

1.The State of Jharkhand
 2.Victim

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellants : Mr. Yasir Arafat, Advocate
 For the State : Mr. Pankaj Kumar, P.P.
 For the Resp. No.2 : Md. Faruque Ansari, Advocate

05/Dated:28th January, 2026

This Criminal Appeal has been filed on behalf of the appellants namely, Safikul Shekh, Jalil Shekh @ Jalil Sk and Kashim Shekh @ Abdul Kasim @ Abul Kasim for grant of anticipatory bail who are apprehending their arrest in connection with Barharwa P.S. Case No.79 of 2025 instituted under Sections 190, 191(2), 191(3), 126(2), 115(2), 118(1), 352, 351(2), 109(2) of BNS, 2023 and section 3(1)(r), 3(1)(s), 3(1)(x), 3(1)(y), 3(1)(za) and 3(1)(zc) of SC/ST Act, pending before the learned Special Judge, SC/ST Court, Sahibganj.

2. It has been alleged in the F.I.R that on 14.03.2025, at about 9.00 p.m., while the informant along with her 17-18 neighbours who belong to Paharia Janjati, were dancing on the music and celebrating Holi festival then being annoyed with the same the people of Muslim community namely (1) Nasruddin Sheikh, (2) Mojibur Sheikh, (3) Bablu Sheikh, (4) Tempa Shekh, (5) Bhodu Sheikh, all having armed with Lathi and Danda came there and closed the Music Sound box and threatened them not to celebrate the Holi festival and they

started raising Lathi and Danda in the air by stating that people of Muslim community are huge in number and how they (i.e. the informant and her communities) have dared to celebrate Holi by playing the music. Thereafter the informant and the people of the Paharia community protested that all the persons have got right to celebrate the festival as per law of the Government of India then the co-accused Nasirul Sheikh started abusing her and started outraging her modesty and thrashed her and abused her in the name of caste by telling her of Paharia community and all of them ordered that no shopkeeper shall sell any article to Paharia Janjati, no doctor should give treatment to any Paharia community and they will not allow Paharia community to use water from the Government tap and they destroyed one Government well by putting bricks and stone on the same and they also forbade and restrained their children from going to Government School and Aanganbari Kendra and as a result of which all the Paharia communities were on verge of starvation for last four days and they waited for justice for some few days and then she has filed the instant case.

3. Learned counsel for the appellants has pressed the prayer for anticipatory bail by submitting that appellants are not named in the FIR. It is further submitted that their names were taken by the rival groups of the Muslim community. It is further submitted that the case has been compromised and they have filed Joint Compromise Petition being I.A. No.10689 of 2025.

However, later on, during course of submission learned counsel for the appellants seeks permission to withdraw the Cr. Appeal (SJ) No.670 of 2025, while this Court was dictating the order. However, this Court is not inclined to accept the prayer of the learned counsel for the appellants at this stage.

4. On the other hand, Mr. Faruque Ansari, learned counsel for the informant has also submitted that the informant has got the case compromised on her own voluntarily.

5. However, Mr. Pankaj Kumar, learned Public Prosecutor has submitted that prayer for anticipatory bail is devoid of merit. It is submitted that though the appellants have not been named in the FIR but it has come in the case diary that the people of Paharia community were forbidden and restrained by the accused persons including the appellants from going to Ration Shop and they were denied of their medical treatment and all the shopkeepers were directed not to give any ration and they were also restrained from using the Government water. They further denied the children of the Paharia community for going to the schools and the Aanganbari Centers.

6. It is submitted that the witnesses namely, Chota Bisu Paharia, Nayan Paharia and Chandan Paharia, whose statements are recorded in para-80, 81 and 82 of the case diary, have identified the appellants also and they have fully supported the case against the appellants and the allegations levelled against them and other accused persons also for restraining the people of Paharia community, including the informant, for utilizing the Water Taps, denied getting ration from the shopkeepers and people of Paharia community were also being denied medical treatment and also restrained their children from going to school. It is submitted that the witnesses namely Isahaq Sheikh, Hemaul Sheikh, Aftab Allam and Hudallim Sheikh have named the ten (10) persons and others for issuing a general direction and they had forbidden them from giving medical treatment and for not giving them work in brick klin and for not giving ration by the shopkeeper to the informant and the people of Paharia community.

7. It is submitted that Para-42 and 43 of the case diary contain the statements of Hemaul Sheikh and Aftab Allam who have supported the allegation that ten (10) accused persons and others have forbidden them from giving any ration articles to the Paharia Janjati people otherwise they will have to pay the fine of Rs.10,000/- (Rs.Ten Thousand) and they were threatened. Para-44 contains the statement of Hudalim Sheikh, who has also supported the allegations against the accused persons that they were restrained by the ten accused persons and others for not giving treatment to any Paharia Janjati people otherwise they will have to pay the fine of Rs.10,000/- (Rs.Ten Thousand). Hence the prayer for anticipatory bail of the appellants may be rejected.

8. Perused the FIR, case diary and the Interlocutory Application being I.A No.10689 of 2025 and considered the submission of both the sides.

9. Perusal of the FIR lodged on 20.03.2025 and the case diary reveals that some people in the district of Sahibganj including the appellants are running parallel administration.

It appears that on the date of celebrating Holi on 14.03.2025 by the informant and the people of Paharia communities the informant and Paharia communities were restrained by the accused persons including mob including the appellants for celebrating Holi festival and had threatened the Shopkeepers for giving ration and medical treatment to the informant and others and also by prohibiting and restraining the Paharia community people from taking ration from the shopkeepers, getting treatment from the doctors and for sending their children to school and for not utilizing water from the Government water taps and also for destroying the Government well by throwing bricks and stones and as a result of which, the

people of Paharia community in the District of Sahibganj were not only forbidden from celebrating Holi festival on the date of occurrence on 14.03.2025 but they were also denied the basic needs of food and water and right to live with dignity and decency in utter violation of constitutional rights.

10. It appears from the subsequent statement of the informant recorded at paragraph-2 of the case diary that she has fully supported the allegations as given in the FIR and the same is not being repeated.

11. It further reveals from the statement of the witnesses namely, Kamia Pahari, Dilip Paharia, Sanjit Paharia, Sushil Paharia and Asim Akram recorded at para-3, 31, 32, 33 and 34 of the case diary that they have fully supported the allegation of the informant as given in the FIR and they have taken the name of ten (10) persons namely, Nasiruddin Sheikh, Mojibur Sheikh, Bablu Sheikh, Tempa Sheikh, Bhoudu Sheikh, Shamim Sheikh, Mushraf Sheikh, Fajlul Sheikh, Bashiur Rahman and Saud Sheikh for giving blanket direction for not supplying any essential articles to the people of Paharia community so that they may sell their land and move to some other places and earlier also some cases were instituted by some people against one co-accused Tempa Sheikh which is still pending in the Court and the informant and other have been threatened by allurements of money and they have been put under pressure to withdraw the case.

12. It further reveals from the statement of the witnesses namely, Ishahaq Sheikh, Hemaul Sheikh, Aftab Allam and Hudalim Sheikh recorded at para-41, 42, 43 and 44 that they were forbidden by the said persons, as named above, and other co-accused persons for not giving any food articles to the people of Paharaia community, for not giving ration and treatment to

the Paharia community otherwise they will have to pay the fine of Rs.10,000/-.

13. It further reveals from the statement of the witnesses namely, Genga Lal Paswan, Mohammad Shamim and Titu Sheikh at paragraph-45, 46 and 47 of the case diary that there was altercation between the Paharia community and the accused persons and approx fifty (50) persons of Muslim community had arrived before them and threatened them not to give any ration and work to the Paharia community.

14. It also appears that the police has shown to interrogate the accused person as named in the FIR and who have simply denied their liability and the case is under investigation.

This shows complete negligence on the part of the Investigating Officer and also on the part of the Senior Officers of District Police Administration.

15. This Court is surprised to see as to how the case is still under investigation when the case has been instituted on 20.03.2025 and when such a mass threatening has been issued against the people of Paharia community by the appellant and other co-accused persons as named in the FIR and the District Administration is negligent.

16. It is further evident that even after passing of ten (10) months after lodging of the FIR and from the statements of the witnesses named above, what to speak of the appellants, none of the accused persons and another co-accused persons as named in the FIR and have been apprehended so far by the police. This completely shows negligence on the part of the I.O and the Senior Police Officials of Sahibganj District.

17. It further appears that informant and her community have become minorities in their own district due to efflux of the population of the accused persons as named in the FIR and they

are facing hardships to survive themselves in absence of any local administrative support and the Informant is being compelled under coercion to get the case compromised.

18. It appears from the FIR and investigation that the appellants and several other persons of their communities have taken law and order in their own hands.

19. It appears that there is complete violation of fundamental rights of the Paharia Community in the district of Sahibganj at village Kasba, Sirasin for safeguarding the rights of the Tribal community and for giving them proper attention by the District Administration and as a result of which the informant had no other option but to get the case compromised and which is not appreciated by this Court.

20. Under the circumstances, this Court finds no merit in the Joint Compromise Petition (I.A No.10689 of 2025) dated 08.08.2025 and accordingly, the Joint Compromise Petition (I.A No.10689 of 2025), is hereby rejected.

21. Consequently, the prayer for anticipatory bail of the appellants is also, hereby, rejected considering the nature of serious allegation against the accused persons including the appellants.

22. The District Administration i.e. the Deputy Commissioner, Sahibganj and the Superintendent of Police, Sahibganj are directed to ensure proper security to the people of Paharia community by taking all necessary and appropriate steps forthwith. The State Authorities, particularly, the Director General of Police, Government of Jharkhand and the Home Department shall ensure the compliance of the order by sending it to the Principal Secretary of the concerned Departments to look after the welfare of the Tribal community and also the Paharia community. They are also directed to ensure supply of

food grains, water and other basic amenities to the people of Paharia community.

23. Thus, Cr. Appeal (SJ) No.670 of 2025 is, hereby, dismissed.

24. However, let a copy of this order be sent to The Chief Secretary, Government of Jharkhand, Principal Secretary, Home Department, Government of Jharkhand, The Director General of Police, The Secretary, Department of Scheduled Tribe, Scheduled Caste, Minority and Backward Class Welfare, Government of Jharkhand, The Secretary, Women and Child Welfare Department, Government of Jharkhand and also to The Deputy Commissioner, Sahibganj and The Superintendent of Police, Sahibganj for taking all necessary steps for safeguarding the lives of the Paharia Community from the hands of the appellants and the people who are not adhering to the rule of law and if necessary, then an appropriate Committee(s) consisting of Senior District Officials and Police Officials may be constituted for safeguarding the interests of Paharia community in Sahibganj District.

25. The State Government as well as the Director General of Police should also ensure that no such incident may take place not only in the district of Sahibganj but also in the entire Dumka Commissionarate.

26. Let a copy of this order be handed over to Mr. Pankaj Kumar, learned P.P for the needful.

(Sanjay Prasad, J.)

Dated: 28.01.2026

Saket/-

NAFR