

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4565 of 2025

Arising Out of PS. Case No.-146 Year-2025 Thana- CHARPOKHARI District- Bhojpur

Santosh Rai @ Santosh Kumar Rai S/O Badri Rai R/O Village- Kathrai, P.S-
Charpokhari, Dist.- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Dularo Devi W/o Veer Bahadur Choudhary R/O Village- Kathrai, P.S-
Charpokhari, Distt.- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ravindra Kumar, Advocate
For the State	:	Mr.Binay Krishna, special P.P.
For Respondent No.2	:	Mr. Ajay Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

- 3 16-04-2026 Heard learned counsel appearing for the appellant,

the learned Special Public Prosecutor for the Stat and learned

counsel appearing for the respondent no. 2.

2. The present appeal has been filed by the appellant seeking grant of bail and setting aside the order dated 20.09.2025 passed by the learned Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Bhojpur at Ara, in connection with Charpokhari P.S. Case No. 146 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 351(2), and 3(5) of the BNS and Sections 3(1)(r) and 3(1)(s), and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



3. As per the prosecution case, it is alleged that when the husband of the informant went to a grocery shop in the village at about 8:30 P.M., co-accused Ashok Rai along with the present appellant arrived there and started scuffling with him. It is further alleged that the appellant assaulted the informant's husband on the head with an iron rod, causing injury. It is also alleged that the accused persons abused the informant's husband by taking the name of his caste.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated. It is submitted that the appellant has clean antecedents. It is further contended that the ingredients of Sections 3(1)(r), 3(1)(s), and 3(2)(va) of the SC/ST Act are not attracted in the present case, as the alleged occurrence did not take place in public view but inside a grocery shop at about 8:30 P.M. It is further submitted that no motive has been disclosed in the FIR. Learned counsel also submits that although an allegation of assault is made, the same is not consistent with the injury report (Annexure-3), which suggests that the injury is caused by a hard and blunt substance and only one injury has been found on the head, which does not fully corroborate the allegations. It is further submitted that both parties are residents of the same village and



are known to each other, and the case is a result of village rivalry. The appellant undertakes to abide by all conditions as may be imposed by this Court.

5. Learned counsel for respondent no. 2, on the other hand, vehemently opposes the prayer for bail and submits that there is a specific allegation of assault against the appellant in the FIR, and the injury sustained by the informant's husband is supported by the injury report. It is further submitted that the place of occurrence, being a grocery shop, may be treated as a public place and, therefore, the provisions of the SC/ST Act are attracted.

6. Learned Special Public Prosecutor also opposes the prayer for bail but fairly submits that there appears to be a lack of essential ingredients for attracting the provisions of the SC/ST Act.

7. Upon hearing the parties and on perusal of the materials available on record, this Court is of the considered view that although there appears to be a lack of essential ingredients for attracting the provisions of the SC/ST Act, there is a specific allegation of assault against the appellant, which is supported by the injury report.

8. Considering the nature and gravity of the allegation



and the supporting medical evidence, this Court is not inclined to grant anticipatory bail to the appellant.

9. Accordingly, the prayer for bail of the appellant in connection with Charpokhari P.S. Case No. 146 of 2025, pending before the learned Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Bhojpur at Ara, is hereby rejected.

10. However, if the appellant surrenders before the Trial Court within six weeks from today, the Trial Court is directed to pass an order on his surrender-cum-bail application on the same day, without being prejudiced by the fact that the appellant's anticipatory bail has been rejected by this Court.

11. The present appeal stands dismissed.

(Dr. Anshuman, J)

Ashwini/-

U		T	
---	--	---	--

