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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1881 of 2026

1 - Dharam Noniya S/o Late Padumlal Noniya Aged About 44 Years R/o Village Kharaud, P.S.- Shivrinarayan, District- Janjgir-Champa (C.G.)

2 - Lala Noniya S/o Dharam Noniya Aged About 21 Years R/o Village Kharaud, P.S.- Shivrinarayan, District- Janjgir-Champa (C.G.)

... Appellants

Versus

*** -** State Of Chhattisgarh Through S.H.O, P.S.- Shivrinarayan District- Janjgir-Champa (C.G.)

... Respondent

For Appellants	:	Mr. Kamlesh Patel, Advocate
For Respondent/State	:	Mr. Sharad Mishra, Government Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

28/10/2026

1. The appellants have preferred this Criminal Appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short, "the SC/ST Act"), seeking to set aside the order/judgment dated 23.06.2026 passed by the Special Judge, SC/ST (Prevention of Atrocities), Act, District Janjgir-Champa (C.G.), whereby the bail application filed by the appellants under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, "the

BNSS"), in connection with Crime No. 45/2026 registered at Police Station- Shivrinarayan, District Janjgir-Champa (C.G.), for commission of offences punishable under Sections 118(2), 296, 351(3), 115(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short, "the BNS") and Sections 3(1)(r), 3(1)(s) & 3(2) (va) of the SC/ST Act, has been rejected.

2. As per case of prosecution, complainant namely Tarachand Rai lodged a written complaint on 30.01.2026 against the appellants making allegation that on 18.01.2026, his son Ameer Rai had gone to Village Kharaud in a family function. It is further alleged that in night Dharam Noniya started shouting and forced to start the program again. At midnight while Ameer Rai was returning home, Dharam Noniya along with his son Lala Noniya (appellants herein) came at the place of function abused him in the name of caste. Subsequently Lala Noniya took out his belt and started beating Ameer Rai, resultantly he sustained an injury over his right eye. Injured- Ameer Rai was taken to hospital and where a surgery was done and thereafter he was referred to Vishakhapatnam for better treatment of eye. On such complaint, police registered the offences as stated above.

3. Mr. Kamlesh Patel, learned Advocate appearing for the appellants would contend that the appellants were not aware of caste of the injured, charge-sheet has already been filed, the appellants are in jail since 18.06.2026 and they have no criminal antecedents. Thus, he would pray to allow this appeal.

4. On the other hand, Mr. Sharad Mishra, learned Government Advocate appearing for the State/respondents would oppose. He would contend that the son of the complaint Ameer Rai sustained grievous injury on

his right eye. It is contended that when Ameer Rai sustained injury on his eye, he fell down and thereafter both the appellants assaulted him by means of hands and legs. He would further submit that according to medical report, the right pupil was dilated, not reacting, consensual rapd was found absent and further iris tissue nasally was lost. He would further submit that initially injured Ameer Rai was treated at MGM Hospital, Raipur and subsequently he underwent surgery at Hospital in Vishakhapatnam. He would contend that the injury sustained by the injured was grievous in nature. It is further contended that the belt used by appellant No. 2 was recovered on his instance and there are eyewitnesses account, therefore, this appeal deserves to the dismissed.

5. I have heard learned counsel for the parties and perused the case diary.

6. Perusal of case diary would reveal that the appellants assaulted the injured using legs and hands. Appellant No. 2 used his leather belt which caused bleeding injury of his right eye. The injured underwent surgery at MGM Hospital, Raipur and subsequently he was referred to higher center in Vishakhapatnam. The medical report would show that the injury sustained by the injured was grievous in nature. The eyewitnesses namely- Rupesh Kumar Soni, Yesh Kesharwani, Tarachand Rai, who witnessed the incident, have categorically described the incident. Ameer Rai/injured in his statement has categorically stated that he lost vision of right eye. It is also stated that the appellants herein in furtherance of their common intention assaulted the injured using a leather belt.

7. Having considered the medical evidence and the statements of injured and witnesses namely- Rupesh Kumar Soni, Yesh Kesharwani and Tarachand Rai recorded under Section 180 of BNSS, I am not inclined to release the appellants on bail. Accordingly, the appeal is hereby **dismissed**.

Sd/-
(Rakesh Mohan Pandey)
Judge

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