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2026:CGHC:30750

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5472 of 2026

1 - Sagar Rai S/o Shravan Rai Aged About 19 Years R/o Ward No.- 14
Mohgaon, Kawardha, Pandariya, District Kabirdham (C.G.)

2 - Umesh @ Dadu Rai S/o Shravan Rai Aged About 22 Years R/o Ward
No.- 14 Mohgaon, Kawardha, Pandariya, District Kabirdham (C.G.)

--- Applicants

versus

State Of Chhattisgarh Through The Sho, Police Station Pandatarai, District
Kabirdham, Chhattisgarh

--- Respondent

MCRC No. 5485 of 2026

Pawan Banjare S/o Ramavtar Banjare Aged About 25 Years R/o Ward No.-
15 Mohgaon, Kawardha, Pandariya, District Kabirdham (C.G.)

--- Applicant

Versus

State Of Chhattisgarh Through The Sho, Police Station Pandatarai, District
Kabirdham, Chhattisgarh

--- Respondent

MCRC No. 5474 of 2026

Raja Kumar Patle S/o Kamlesh Kumar Patle Aged About 20 Years R/o
Village And Post Mohgaon, Distt. Kabirdham, Chhattisgarh.

---Applicant

Versus

State Of Chhattisgarh Through The S.H.O., Police Station Pandatarai, Distt.
Kabirdham, Chhattisgarh.

--- Respondent

MCRC No. 5473 of 2026

Ajay Rai @ Kishan S/o- Rajkumar Ratre, Aged About 22 Years R/o- Ward
No.-14 Mohgaon, Kawardha, Pandariya, District- Kabirdham (C.G.)

---Applicant

Versus

State Of Chhattisgarh Through The S H O, Police Station Pandatarai,
District- Kabirdham Chhattisgarh.

--- Respondent

For Applicants	: Ms. Komal Yadav, Advocate.
For Non-applicants/State	: Ms. Sameeksha Gupta, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice
Order on Board

20.07.2026

1. Since all the bail applications arise out of the same crime number, they are being decided by this common order.
2. The applicants have preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No. 55/2026, registered at Police Station : Pandatarai, District- Kabirdham

Chhattisgarh for the offence punishable under Sections 118(2), 296, 351(3), 115(2) & 191(2) of the BNS.

- 3.** According to the prosecution, on 08.04.2026, at about 1:00 a.m., the complainant, Naresh Patre, was returning to Village Mohgaon after attending a marriage ceremony at Village Jevdan. When he reached near the house of applicant Pawan Banjare, all the applicants, namely Sagar Rai, Umesh Rai, Ajay Rai, Kishan Rai, and Pawan Banjare, allegedly wrongfully restrained him, abused him in filthy language, and, upon his objection, assaulted him with fists and kicks, causing injuries. On the basis of the written complaint lodged by the complainant at Police Station Pandariya (Pandtrai), District Kabirdham, FIR bearing Crime No. 55/2026 was registered against the applicants for the offences punishable under Sections 118(2), 296, 351(3), 115(2), and 191(2) of the Bharatiya Nyaya Sanhita, 2023. During the course of investigation, the statements of the complainant and other witnesses were recorded, the injured was medically examined, and after completion of the investigation, the police found sufficient material against the applicants and filed the charge-sheet before the competent Court.
- 4.** Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. It is submitted that the applicants have been in judicial custody since 08.05.2026. The investigation has already been completed and the charge-sheet has been filed; therefore, their further custodial interrogation is neither necessary nor warranted. It is further submitted that the trial is likely to take considerable time to conclude, as the

prosecution has cited nine witnesses. Learned counsel contends that the prosecution case is highly doubtful inasmuch as, according to the prosecution itself, only steel bangles (chuda) were allegedly recovered from some of the applicants, which cannot be treated as hard and blunt weapons capable of causing the injuries alleged by the prosecution. No other weapon or incriminating article has been recovered from the possession of any of the applicants. It is further submitted that, although the alleged incident took place on 08.05.2026, the applicants were not arrested immediately and were taken into custody only after receipt of the medical report, which casts a serious doubt on the prosecution version. Learned counsel further submits that the prosecution case itself does not disclose the use of any dangerous weapon, and the alleged recovery of steel bangles is a matter of evidence which can only be tested during trial. It is also argued that the medical evidence does not fully corroborate the prosecution's version regarding the manner of assault, and the nature and extent of the injuries are matters to be adjudicated upon during the course of trial. It is further submitted that the role attributed to the applicants is general and omnibus in nature, and no specific overt act causing the alleged grievous injury has been attributed to any particular applicant. There are also material contradictions and inconsistencies between the FIR, the statements of the prosecution witnesses, and the medical evidence, which create serious doubt regarding the veracity of the prosecution case. In these circumstances, learned counsel prays that the applicants, who undertake to cooperate with the trial, shall abide by all conditions imposed by this Hon'ble Court, therefore, he prays for grant of regular

bail to the applicants.

5. On the other hand, learned State Counsel opposes the prayer for grant of regular bail and submits that the investigation has been completed and the charge-sheet has been filed, which *prima facie* establishes the involvement of the present applicants in the commission of the alleged offences. It is submitted that the present applicants, along with the other co-accused persons, formed an unlawful assembly, wrongfully restrained the complainant, and assaulted him, resulting in grievous injuries, therefore, they are not entitled to be granted regular bail in the present case.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the submissions made by learned counsel for the parties, the facts and circumstances of the case, the nature of the allegations levelled against the present applicants, and further considering the fact that the charge-sheet has been filed before the competent Court, the applicants have no criminal antecedents, they are in judicial custody since 08.05.2026, and the conclusion of the trial is likely to take some more time, this Court is of the view that the applicants are entitled to be released on bail.
8. Let the Applicants – **Sagar Rai, Umesh @ Dadu Rai, Pawan Banjare ,Raja Kumar Patle & Ajay Rai @ Kishan** involved in Crime No. 55/2026, registered at Police Station : Pandatarai District - Kabirdham Chhattisgarh for the offence punishable under Sections 118(2), 296, 351(3), 115(2) & 191(2) of the BNS., be released on bail on furnishing **personal bond** with **two local sureties each** in the like sum to the

satisfaction of the Court concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicants shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicants are deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against them in accordance with law.

9. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice