



CGHC010276292026



2026:CGHC:44585

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6875 of 2026

Heera Patel W/o Shri Balram Patel Aged About 41 Years R/o House No. 185, Ward No. 10, Village Math, Police Station Kharora, District- Raipur, Chhattisgarh.

... **Applicant(s)**

versus

State Of Chhattisgarh Through - Station House Officer, Police Station Kharora, District- Raipur, Chhattisgarh.

... **Non-Applicant(s)**

For Applicant	: Ms. Sharmila Singhai, Senior Advocate along with Mr. Sharad Prakash Yadav, Advocate.
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For Non-Applicant/State	: Mr. Keshav Gupta, Govt. Advocate.
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Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

15/10/2026

1. The applicant has preferred this first bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail, as she has been arrested in connection with Crime No. 133/2026, registered at Police Station Kharora, District Raipur (C.G.), for the offences punishable under Sections 103(1), 109(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.
2. The prosecution case, in brief, is that on 04.03.2026, the

complainant, Kuber Dhivar, lodged a report at Police Station Kharora, District Raipur (C.G.), alleging that on the same day, at about 1:30 p.m., his elder son Mohit Dhivar and younger son Kunal Dhivar were celebrating Holi at Bajrang Chowk, Village Manth, by playing colours, dancing and singing along with Uday Patel, Deva Patel, Deva Verma, Kamal Narayan Yadav @ Raghav Yadav and the complainant's brother, Leeladhar Dhivar. At about 2:00 p.m., during the celebrations, a scuffle took place between Uday Patel and Deva Patel, whereupon Mohit Dhivar, Kunal Dhivar, Deva Verma, Kamal Narayan Yadav @ Raghav Yadav and Leeladhar Dhivar intervened to pacify them. At that time, Rameshwar Patel, the elder brother of Deva Patel, allegedly arrived at the spot carrying a sharp-edged knife and started abusing them, alleging that they had assaulted his brother. Upon seeing the knife, Uday Patel fled from the spot. Thereafter, Rameshwar Patel allegedly assaulted Mohit Dhivar with the knife, with the intention of causing his death, inflicting injuries on his chest and both sides of his back. He also allegedly inflicted injuries on the head and the left side of the neck of Deva Verma.

Meanwhile, upon hearing the commotion, the present applicant, Heera Bai Patel, allegedly arrived at the spot carrying a sharp-edged sickle. She allegedly confronted Kamal Narayan Yadav @ Raghav Yadav, accusing him of quarrelling with and assaulting her son, Deva Patel and thereafter assaulted him with the sickle, inflicting injuries on his chin, the left side of his neck and chest, allegedly with the intention of causing his death.

Subsequently, the injured persons were taken to the Government Hospital, Kharora, for medical treatment, where Mohit Dhivar was declared dead by the attending doctors. On the basis of the complainant's report, the police registered Crime No. 133/2026 on 04.03.2026 at Police Station Kharora, District Raipur (C.G.), for the offences punishable under Sections 103(1), 109(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023. After completion of the investigation, charge-sheet was filed before the competent Court on 29.05.2026.

3. Learned counsel appearing for the applicant, would submit that the applicant has been falsely implicated in the present case and had no role in the commission of the murder of Mohit Dhivar, which is primarily attributed to the juvenile co-accused persons. It is contended that, even according to the prosecution case, the applicant arrived at the spot only after hearing the commotion and that the only allegation against her is that she assaulted Kamal Narayan Yadav @ Raghav Yadav with a sickle. She would further submit that the injuries sustained by the said injured person are not shown to be life-threatening and that the medical documents do not disclose any deep-seated injury, vascular injury or significant haematoma. In this regard, reliance is placed upon the CT scan of the neck dated 04.03.2026, which records superficial post-traumatic soft-tissue changes without deep-space extension, vascular injury or significant collection of haematoma, as well as the HRCT chest report, which does not disclose any significant abnormality. It is further submitted that the injured was discharged

from the hospital on 07.03.2026. She would further submit that the occurrence took place suddenly during the Holi celebrations, without any prior enmity, preparation or premeditated plan. The applicant is a lady and has no criminal antecedents and has been in judicial custody since 05.03.2026 and charge-sheet has already been filed before the competent Court. Considering the nature of the allegations attributed to the applicant, the medical evidence and the period of custody, She prays that the applicant be enlarged on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that, though the allegation of murder of Mohit Dhivar is attributed to the co-accused persons but the applicant has a specific and serious role in assaulting Kamal Narayan Yadav @ Raghav Yadav with a sickle. It is contended that the applicant allegedly came out of her house carrying the sickle and inflicted injuries on vital parts of the injured person's body, including his neck and chest. He would further submit that the injured person has made specific allegations against the applicant in his statement recorded during investigation under Section 180 of the BNSS. It is also submitted that the sickle seized during the investigation was sent for forensic examination and the FSL report confirms the presence of human bloodstains on the seized weapon. Referring to the medical documents and the FSL report, he would contend that the nature and location of the injuries, coupled with the weapon allegedly used and the statement of the injured, prima facie indicate the seriousness of the assault. Therefore, considering the manner of commission of the alleged offence and the material

collected during investigation, he prays for rejection of the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary, including the medical documents and the material collected during investigation.
6. Admittedly, the death of Mohit Dhivar is attributed to the assault allegedly committed by co-accused persons, whereas the present applicant is alleged to have arrived at the spot subsequently and assaulted Kamal Narayan Yadav @ Raghav Yadav with a sickle. As per the allegations, the applicant inflicted injuries on the chin, neck and chest of the injured. Perusal of the medical documents reveals that the injured sustained an incised wound of his neck, besides injuries on other parts of his body. Although the medical documents do not specifically indicate that the injuries sustained by the injured were life-threatening, at the same time, sight cannot be lost of the fact that the injuries were allegedly inflicted on vital parts of the body, particularly the neck and chest, by means of a sickle, which is a sharp-edged weapon capable of causing serious bodily harm. Further, the injured, in his statement recorded during investigation, has specifically attributed the assault to the present applicant. The prosecution has also relied upon the FSL report, which indicates the presence of human blood on the seized sickle. Thus, the specific allegations made by the injured, the nature and location of the injuries, the weapon allegedly used and the forensic material collected during investigation are relevant circumstances

which cannot be ignored while considering the prayer for bail. Although the applicant is a lady, has no criminal antecedents and charge-sheet has already been filed, these circumstances, when considered alongside the nature of the allegations and the material available on record, do not justify her release on bail at this stage. Having regard to the manner in which the alleged offence was committed and the material collected against the applicant, this Court is not inclined to grant bail to the applicant.

7. Accordingly, the bail application of the applicant, filed under Section 483 of BNSS, involved in Crime No. 133/2026, registered at Police Station Kharora, District Raipur (C.G.), for the offences punishable under Sections 103(1), 109(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023., is **rejected**.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal