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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9238 of 2026

1 - Sabir Alias Sameer S/o Sajid Khan Aged About 21 Years R/o Talapara (Thakur Gali) Bilaspur, Police Station Civil-Lines, District Bilaspur, Chhattisgarh.

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Police Station Civil Line Bilaspur, District Bilaspur, Chhattisgarh.

... **Respondent(s)**

(Cause title taken from CIS)

For Petitioner(s) : Mr. Amishan Hussain, Advocate

For Respondent(s) : Ms. Supriya Upasane, Govt. Advocate

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.

Order on board

12.10.2026

1. Heard.
2. This is the second bail application of the applicant. The first bail application of the applicant has been dismissed on merits vide order dated 26.02.2026 passed in MCRC No. 461/2026 by this Court.
3. The applicant, who has been arrested on 01.08.2025 in connection with Crime No. 884/2024, registered at P.S. Civil Line Bilaspur, District- Bilaspur,

for the offence under Section 296, 351(1), 115, 109, 103, 191(2) of Bhartiya Nyay Sanhita, 2023 and Section 25, 27 of Arms Act, 1959, is claiming regular bail.

4. The case of prosecution, in brief, is that, on 01.08.2025 the complainant lodged a report stating that at about 10:00 PM, while he was proceeding towards Uslapur Railway Station, his brother Mahesh Yadav informed him over phone that co-accused Samir Ansari along with his associates had assaulted him with some objects. The complainant immediately rushed to CIMS Hospital, Bilaspur, where the injured reiterated that Samir Ansari and his friends had attacked him. On the basis of the report, FIR No. 884/2025 (Annexure A/2) was registered initially under Sections 296, 115(2) and 3(5) of the BNS, 2023. During the course of investigation, the injured Mahesh Yadav succumbed to his injuries, whereupon Sections 109, 103, 191(2), 191(3) of the BNS, 2023 and Sections 25 and 27 of the Arms Act were added. The applicant has been arrested on 01.08.2025.
5. Learned counsel for the applicant would submit that after rejection of the first bail application of the applicant, five witnesses have been examined, out of which four witnesses are the eye witnesses and except PW-4, none of the other eye witnesses have supported the prosecution's case, even in the evidence of PW/4, various discrepancies are there and his evidence is exaggerated. None of the witnesses have stated that the present applicant has participated in the proceedings and also that in the FIR as well as the dying declaration of the deceased the name of the applicant does not reflect. The applicant is in jail since 01.08.2025, out of total 33 witnesses, only 5 witnesses have been examined till date, final adjudication of the

case will take its own time, therefore, the applicant may be released on bail.

6. On the other hand, learned State counsel opposes the submissions made by learned counsel for the applicant and would submit that the first bail application of the applicant has been dismissed on merits. In the memorandum statement of Syiad Ahmad Raza, the name of the present applicant has been disclosed that he too was present along with the co-accused persons, who caused injuries to the deceased by which the deceased died. She would further submit that the trial is in process, out of total 33 witness, five witnesses have already been examined. The applicant is having a previous criminal antecedent for the offence under Section 302 of IPC and looking to the entire facts and circumstances of the case as well as the previous criminal antecedent of the applicant, he is not entitled for regular bail as there is no change in circumstance after rejection of his first bail application.
7. I have heard learned counsel for the parties and perused the case diary as well as document annexed with the bail application.
8. Considering the submissions made by learned counsel for the parties, considering the nature of allegation, material collected during the investigation, further considering the fact that the first bail application of the applicant has already been dismissed on merits, further that the applicant is having previous criminal antecedent of the offence under Section 302 of IPC and the trial of the case is in process and out of 33 witnesses, 05 witnesses have already been examined, I am not inclined to admit the second bail application of the applicant.

9. Accordingly, the second bail application filed by the applicant is hereby **dismissed.**

10. Considering the fact that the applicant is in jail since 01.08.2025, the learned trial Court is directed to expedite the trial of the case.

Sd/-
(Ravindra Kumar Agrawal)
Judge

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