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CGHC010314142026 2026:CGHC:45498

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7596 of 2026

1 - Sona Ram Sinha S/o Roopnath Sinha Aged About 40 Years R/o Village Dumarpani, Chouki-Halba, P.S. Narharpur, District- North Bastar Kanker (C.G.)

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Police Station Narharpur, District- Kanker (C.G.)

--- **Respondent(s)**

MCRC No. 7754 of 2026

1 - Kanshram Netam S/o Late Kriparam Netam Aged About 75 Years R/o Village Dumrapani, Chowki Halba, P.S. Narhrpur, District North Bastar Kanker C.G.

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through P.S. Narharpur (Police Chowki, Halba) District North Bastar Kanker C.G.

--- **Respondent(s)**

For Applicants	**:**	Mr. P.K. Tulsyan, Mr. Arya Shrivastava and Mr. Sandeep Shrivastava, Advocates.
For Non-Applicant	**:**	Mr. Dharmesh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

28/10/2026

1. These are the first bail applications filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of regular bail to the applicants in connection with the Crime No.104/2026, registered at Police Station Narharpur, District Kanker for the offences punishable under Sections 103(1), 61(2) and 3(5) of BNS.
2. The case of the prosecution, in brief, is that after the death of Milan Patel, a merg was registered. The postmortem examination was conducted and, to ascertain the cause of death, the viscera was preserved and sent to the FSL. According to the postmortem report, the cause of death was cardio-respiratory arrest as a result of severe poisoning. During the course of the investigation, a blue-coloured container containing hexaconazole and a steel glass were recovered. The statements of the daughter of the deceased, Jageshwari Patel, and Tikaram Patel were recorded, wherein they stated that the physical condition of the deceased was not good. He was taken to the office of the Sub-Registrar, Kanker, by Vatan Patel. It is alleged that the agricultural land of the deceased was sold to Rajesh Agrawal through a registered sale deed without the consent of the other family members. The applicant, Sona Ram Sinha, in MCRC No. 7596 of 2026, Vatan Patel, Biharilal Sori, and the applicant, Kanshram Netam, the Sarpanch of the village, in MCRC No. 7754 of 2026, allegedly induced the deceased to alienate the property. When the daughter of

the deceased, Jageshwari Patel, came to know about the transaction, she raised an objection. Consequently, the applicants and the other co-accused persons allegedly conspired to commit the murder of the deceased. It is further alleged that two cheques, each for an amount of Rs. 6,00,000/-, were in the possession of Kanshram Netam. On the date of the incident, Kanshram Netam gave Rs. 10,000/- to Sona Ram Sinha to purchase liquor, and subsequently, the pesticide hexaconazole was allegedly administered to the deceased. It is alleged that the present applicants and the other co-accused persons, in furtherance of their common intention, administered poison to the deceased, resulting in his death. The FIR was registered after receipt of the viscera report. In their memorandum statements, the accused persons allegedly admitted their involvement in the commission of the offence.

3. Learned counsel for the applicants would submit that the applicants were not involved in the commission of the offence. There was a considerable delay in the registration of the FIR, as Milan Patel died on 29.7.2025, whereas the FIR was registered on 25.5.2026. It is further submitted that Sona Ram Sinha has been implicated in the case on the basis of the memorandum statement of Kanshram Netam. It is also argued that the charge-sheet has already been filed and that the applicants have been in jail since 25.5.2026. Accordingly, learned counsel prays that the applicants may be enlarged on regular bail.

4. On the other hand, learned State counsel opposes the bail applications and submits that there is circumstantial evidence against the applicants, including financial transactions, the purchase of liquor and

pesticide, and the seizure of the container and glass, coupled with the memorandum statements of the accused persons. He further submits that, as the present applicants allegedly conspired to commit the murder of an elderly person, the bail applications deserve to be rejected.

5. Heard learned counsel appearing for the parties and perused the case diary.

6. In the present case, it is alleged that the deceased executed a sale deed in favour of Rajesh Agrawal on 11.7.2025, but the sale consideration was not paid to him. When the daughter of the deceased raised an objection and the deceased demanded the sale consideration from the mediators, namely, the present applicants and the other co-accused persons, they allegedly decided to commit the murder of Milan Patel. The prosecution story, as presented, indicates a motive for the accused persons to administer poison to the deceased.

7. A perusal of the postmortem and viscera reports indicates that the deceased died due to poisoning. A container containing a poisonous substance and a glass were recovered from the place of the incident. It has come on record that the pesticide was purchased by Sona Ram Sinha at the instance of Kanshram Netam. The present applicants are alleged to have been involved in the purchase and administration of the poison, while the other co-accused persons allegedly assisted them. Thus, the prosecution relies upon evidence suggesting that the accused persons had access to the poison. The allegations made in the FIR, coupled with the memorandum statements of the co-accused persons, indicate that the accused persons had sufficient opportunity

to administer the poison to the deceased. The Hon'ble Supreme Court, in **Sharad Birdhichand Sarda v. State of Maharashtra**, reported in **(1984) 4 SCC 116**, while dealing with a similar issue, held in paragraphs 165 and 166 as under:

> "**165.** So far as this matter is concerned, in such cases the court must carefully scan the evidence and determine the four important circumstances which alone can justify a conviction:
>
> (1) there is a clear motive for an accused to administer poison to the deceased,
>
> (2) that the deceased died of poison said to have been administered,
>
> (3) that the accused had the poison in his possession,
>
> (4) that he had an opportunity to administer the poison to the deceased.
>
> **166.** In the instant case, while two ingredients have been proved but two have not. In the first place, it has no doubt been proved that Manju died of potassium cyanide and secondly, it has also been proved that there was an opportunity to administer the poison. It has, however, not been proved by any evidence that the appellant had the poison in his possession. On the other hand, as indicated above, there is clear evidence of PW 2 that potassium cyanide could have been available to Manju from the plastic factory of her mother, but there is no evidence to show that the accused could have procured potassium cyanide from any available source. We might here extract a most unintelligible and extra-ordinary finding of the High Court—
>
> > It is true that there is no direct evidence on these two points, because the prosecution is not able to lead evidence that the accused had secured potassium cyanide poison from a particular source. Similarly there is no direct evidence to prove that he had administered poison to Manju.

> However, it is not necessary to prove each and every fact by a direct evidence. Circumstantial evidence can be a basis for proving this fact."

8. Having considered the facts and circumstances of the case, the postmortem and viscera reports, the seizure of articles, the memorandum statements of the accused persons, and the law laid down by the Hon'ble Supreme Court in **Sharad Birdhichand Sarda** (supra), I am not inclined to allow either of the two bail applications.

9. Accordingly, the bail applications of the applicants filed under Section 483 of BNSS, 2023 are **rejected**.

Sd/-
Rakesh Mohan Pandey
JUDGE

Nimmi