CGHC010359862026 2026:CGHC:43268

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8878 of 2026

- Yogyata Prasad Rajwade S/o Atilal Rajwade Aged About 25 Years Resident Of Village Pidha, Police Station And Tahsil - Surajpur, District Surajpur (C.G.)

... Applicant

versus

- State Of Chhattisgarh Through Police Station Surajpur, District Surajpur (C.G.)

... Non-applicant

For Applicant	:	Ms. Prachi Gupta, Advocate
For Non-applicant	:	Mr. Jitendra Shrivastava, G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

06.10.2026

1) The applicant has preferred this First Bail Application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 428/2026, registered by Police Station Surajpur, District : Surajpur (C.G.) for the offence punishable under Sections 103(1), 109 and 3(5) of Bhartiya Suraksha Sanhita, 2023.

2) The prosecution story, in brief, is that on 18.06.2026, the complainant lodged a report to the effect that at around 02:00 PM that day, he was returning home along with his elder brother, Baran Ram Rajwade, after attending a hearing in a pending civil suit involving ancestral land. It is alleged that around 03:00 PM,

near Village Parri, the applicant rammed their bicycle from behind with a tractor, causing them to fall down. It is further alleged that thereafter, the applicant and co-accused Rohit Rajwade chased Baran Ram Rajwade, caught him, and assaulted him with fists and a knife, resulting in his death. On the basis of the complaint, the police registered the afore-stated offence against the accused persons and arrested them.

3) Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case as he did not participate in the commission of the afore-stated offence and no incriminating article was recovered from his possession. She further submits that applicant has no previous criminal antecedents, charge-sheet has been filed and he is in jail since 19.06.2026 conclusion of the trial may take some time, therefore, she prays for grant of regular bail to the present applicant.

4) On the other hand, learned counsel for the State opposes the bail application and submits that there is a direct allegation to the effect that applicant and co-accused Rohit Rajwade in furtherance of their common intention, assaulted Baran Ram Rajwade with fists and a knife. He further submits that there are three eyewitnesses who witnessed the offence, therefore, applicant is not entitled to the grant of bail.

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

6) It is a settled principle of law that the Court's role at the bail stage is confined to verifying the existence of a *prima facie* case. In the present case, an FIR was lodged making specific allegations to the effect that applicant and co-accused Rohit Rajwade chased Baran Ram Rajwade, caught him, and assaulted him with fists and a knife, resulting in his death. The said knife was also recovered from Rohit Rajwade.

7) In view of the aforesaid discussion, coupled with the fact that there are three eyewitnesses, namely, Jaikaran, Birbal Gupta, and Jaiprakash Gupta, who witnessed the incident, the involvement of the applicant in the commission of the alleged offence cannot be ruled out at this stage.

8) Consequently, this Court is not inclined to grant bail to the applicant and the instant bail application is **rejected.**

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Ajinkya

Digitally signed by AJINKYA PANSARE
Date: 2026.10.07 14:15:01 +0530