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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8903 of 2026

- Bhuneshwar Paikra S/o Late Kalpnath Aged About 80 Years R/o Silma P. S. Batouli District Surguja (C.G.)

... Applicant

versus

- State Of Chhattisgarh Through Station House Officer, P. S. Baotuli District Surguja (C.G.)

... Non-applicant

For Applicant	:	Mr. Nishikant Sinha, Advocate
For Non-applicant	:	Mr. Jitendra Shrivastava, G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

07.10.2026

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. 66/2026, registered at Police Station Batouli, District Surguja (C.G.) for the offence punishable under Sections 296, 351(3), 115(2) r/w 190, 109(1) r/w 190, 103(1) and 191(3) of Bhartiya Nyaya Sanhita, 2023.

2) The prosecution case, in brief, is that the complainant lodged a report alleging a pre-existing land dispute between her family and the accused persons. On 14.06.2026, when the complainant, Dhaneshwari, along with her husband Hosh Ram and son Hemant, objected to the accused persons cultivating the disputed land, an altercation ensued. The accused persons allegedly assaulted the complainant's family with sticks (lathis), and co-accused Umesh ran a tractor over her husband, Hosh Ram, who succumbed to his injuries. Based on these allegations, the present case was registered.

3) Learned counsel for the applicant submits that omnibus allegations have been levelled against the applicant and the co-accused persons to the effect that they pushed the deceased under a moving tractor, solely to implicate the entire family with an ulterior motive. He further submits that the charge-sheet has already been filed, the applicant is an elderly person aged about 80 years, and he has been languishing in jail since 15.06.2026. Since the conclusion of the trial is likely to take some time, he prays for the 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 against the applicant to the effect that he acted in furtherance of common intention with the co-accused persons and pushed the deceased,

Hosh Ram, before the moving tractor being driven by co-accused Umesh, causing his death; therefore, no case is made out for the grant of bail to the applicant at this stage.

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 stage of bail is confined to verifying the existence of a *prima facie* case. In the present case, there are specific and direct allegations on record indicating that the applicant, acting in concert with the co-accused persons in the midst of a violent scuffle, actively pushed and threw the deceased, Hosh Ram, directly beneath a moving tractor. The resulting injuries proved fatal, culminating in his death on the spot.

7) Having regard to the overt act attributed to the applicant, the gravity of the offence, and the prima facie material available in the case diary indicating his active participation in furtherance of common intention, this Court does not find it to be a fit case for the grant of regular bail at this stage.

8) Accordingly, the instant bail application is **rejected**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Ajinkya