NIRMALA
RAO

CGHC010368062026 2026:CGHC:43212

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8810 of 2026

1 - Ramayan Singh S/o Sukhram Aged About 42 Years Caste Gond R/o Village Darmohali, P. S. Gaurella, Tehsil Marvahi, District Gaurella, Pendra, Marvahi C. G.

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through- S H O. P. S. Gaurella, District Gaurella, Pendra Marvahi C. G.

--- **Respondent(s)**

MCRC No. 8830 of 2026

1 - Santlal S/o Chhotelal Aged About 56 Years Caste Gond, R/o Village Pandripani, P.S. And Tahsil Jaithari, Distt. Anuppur (M.P.)

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through S.H.O. P.S. Gaurella, District - Gaurella-Pendra-Marvahi (C.G.)

--- **Respondent(s)**

For Applicants : Shri B.L. Dembra, Advocate.
For Non-Applicant/State : Ms. Ankita Shukla, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

6.10.2026

1) These are the first bail applications filed under under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.298 of 2026 registered at Police Station Gaurella, District Gaurella-Pendra-Marvahi, Chhattisgarh for the offence punishable under Sections 105, 238(B), 351(3) and 190 of BNS and Sections 25 & 27 of the Arms Act.

2) As per the case of the prosecution, merg intimation was registered on 28.6.2026 on the information given by the elder brother of the deceased, namely, Pawan Singh, who informed the police that on 27.6.2026, his brother, Sarwan Singh, had gone to the forest to collect wood, as he used to do regularly. At the same time, applicant – Ramayan Singh and other co-accused persons reached there along with a gun, and accidentally, due to gunfire, Sarwan Singh sustained a bullet injury on his chest and succumbed to the injury. It is also alleged that the accused persons had gone to the jungle for hunting. On the basis of the merg intimation, the police registered an FIR on 17.7.2026. The eyewitnesses have categorically stated that Ramayan Singh was carrying a gun and that he fired towards the deceased with his gun, and that the deceased died due to the gunshot injury sustained by him.

3. Learned counsel for the applicants would submit that Ramayan Singh has been arrayed as an accused on account of the seizure of a gun. He would contend that the dead body was taken to the village and,

according to the custom, was cremated, and no post-mortem examination was conducted. Thus, there is no expert opinion with regard to the cause of death. It is also argued that, out of 12 accused persons, 10 have already been granted bail by the learned trial Court. Thus, he would pray that both the applications be allowed.

4. On the other hand, learned counsel appearing for the State/non-applicant would oppose the bail applications and submit that, according to the statements of the witnesses recorded under Section 180 of the BNSS, the gunshot was fired by Ramayan Singh and, subsequently, a gun was seized by the police at his instance. She would contend that one more gun was recovered at the instance of the accused – Santlal, but there is no allegation that he used that gun or that his gun caused any injury to the deceased. She would submit that there is material evidence against the applicants and, therefore, both the applications deserve to be dismissed.

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

6. Having considered the fact that the witnesses who were present on the date of the incident, namely, Murari Dhurve, Lakshman Yadav, Awadhraj and Bhaan Singh, have stated that the applicant – Ramayan Singh was carrying a gun and fired a gunshot which caused an injury to the chest of the deceased, though it is also stated that Santlal was carrying a gun, there is no allegation that he either used or fired his gun towards the deceased. It is true that no post-mortem examination was conducted and there is no expert opinion with regard to the cause of death; however, there is a direct allegation against the applicant –

Ramayan Singh. Therefore, I am not inclined to allow the bail application of applicant – Ramayan Singh in MCRC No. 8810 of 2026, and the same is hereby rejected.

7. With regard to applicant – Santlal, there is no allegation that he used his gun or fired towards the deceased. Further, out of 12 accused persons, 10 have already been granted bail by the learned trial Court. Therefore, the bail application of applicant – Santlal in MCRC No. 8830 of 2026 is allowed.

8. It is directed that in the event of **applicant – Santlal** executing a personal bond for a sum of **Rs. 50,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

> (a) he shall make himself available for interrogation by the police officer as and when required;
>
> (b) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court; and
>
> (c) he shall not act in any manner which will be prejudicial to a fair and expeditious trial.

The observation made hereinabove is for the purpose of deciding this bail application only, the learned trial Court shall decide the case on its own merits.

Sd/-
(Rakesh Mohan Pandey)
Judge

Nimmi