CGHC010377802026 2026:CGHC:47192

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9425 of 2026

1 - Hijmat Khan S/o Zinnat Khan Aged About 30 Years Resident Of Gaddhapara, Kargi Road Kota, Police Station - Kota, District - Bilaspur (C.G.)

... Applicant(s)

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station - Torwa, District - Bilaspur (C.G.) ... **Non-applicant**

For Applicant	**:**	Mr. Ayush Lall, Advocate
For Non-applicant	**:**	Mr. Dharmesh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

16/11/2026

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. 47/2024, registered by the Police Station Torwa, District - Bilaspur (C.G.) for the offence punishable under Section 302 of BNS.

2. The case of the prosecution, in brief, is that on 16.01.2023, at about 02:00 AM, near the auto stand at Bilaspur Railway Station, the brother-in-law (Jija) of the deceased, namely Hijmat Khan, allegedly had a dispute with the deceased Ramzan and assaulted him with a stick (danda), causing injuries to his head, chest, back

and abdomen. Thereafter, on 16.01.2023, the deceased was brought to D.K.S. Hospital, Raipur, for treatment, where he subsequently died on 15.08.2023, after a period of approximately seven months. Consequently, Merg No. 0/765/2023 was registered at Police Station Gol Bazar, Raipur. During the inquiry, the aforesaid allegations surfaced, pursuant to which, Crime No. 47/2024 was registered at Police Station Torwa on 24.01.2024 for the offence punishable under Section 302 of the IPC. Upon learning about the registration of the aforesaid case, the applicant voluntarily surrendered before the Court.

3. Learned counsel for the applicant submits that the injuries sustained by the deceased were not sufficient in the ordinary course of nature to cause death and, therefore, the offence punishable under Section 302 of the IPC is not made out. It is further contended that the applicant surrendered before the concerned Trial Court on 16.06.2026. Learned counsel also submits that there has been no substantial progress in the trial, as not even a single witness out of the total 20 witnesses has been examined so far. He further submits that the charge-sheet has already been filed, the applicant is in custody since 16.06.2026 and the conclusion of the trial is likely to take considerable time. He, therefore, prays that the applicant may kindly be enlarged on regular bail.

4. On the other hand, learned State Counsel opposes the bail application and submits that the present applicant assaulted the

deceased Ramzan with a wooden club and the incident was witnessed by the wife of the deceased, namely Rukhsana, and other eyewitnesses, namely Rasheeda Bano and Rani, who have categorically stated that the applicant, after abusing the deceased, assaulted him. He would further submit that there is no delay in the trial, as the applicant remained absconding for a considerable period and surrendered only on 16.06.2026. He, therefore, submits that the applicant is not entitled to the grant of bail.

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

6. Having considered the facts and circumstances of the case, particularly the fact that the cause of death of the deceased was the head injury sustained by him and that the said injury is alleged to have been inflicted by the present applicant; further considering that the applicant remained absconding for a considerable period and surrendered before the Trial Court only on 16.06.2026, and the statements of eyewitnesses Rukhsana and Rani, who have categorically stated that the present applicant assaulted the deceased with a wooden club, I am not inclined to grant bail to the applicant. Accordingly, the bail application is **rejected.**

Sd/-
Rakesh Mohan Pandey
JUDGE

Jyoti