NIRMALA
RAO

CGHC010383412026 2026:CGHC:44324

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9180 of 2026

1 - Aman Banjare S/o Salik Ram Banjare Aged About 20 Years R/o Village Pond, P.S. - Gobra Nawapara, District : Raipur, Chhattisgarh

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through S.H.O. Police Station - Gobra Nawapara, District : Raipur, Chhattisgarh

--- **Respondent(s)**

MCRC No. 9533 of 2026

1 - Chaitanya Banjare @ Bittu S/o Mansaram Banjare Aged About 19 Years Father Name Correctly Mentioned As Per Certified Copy Pg 8, R/o Village Poad, P.S. Gobra Nawapara, District Raipur Chhattisgarh

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through S.H.O. Police Station - Gobra Nawapara, District Raipur Chhattisgarh

--- **Respondent(s)**

For Applicants	**:**	Dr. Shailesh Ahuja, Advocate
For Non-Applicant	**:**	Mr. Vivek Sharma, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

13/10/2026

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.72/2026, registered at Police Station Gobra, Nawapara, District Raipur for the offences punishable under Sections 103(1), 103(2), 296 and 3(5) of BNS.

2. The case of the prosecution, in brief, is that on 5.3.2026, Raj Kumar, father of the deceased, lodged an FIR stating that on 3.3.2026, at about 11:45 p.m., Nihal Banjare and Roshan Yadav brought his son home in an injured condition. It is further stated in the FIR that the injured, Sagar Dhruv, informed his father that on 3.3.2026, at about 11:00 p.m., near the Fair Price Shop in the village, the applicants, namely Aman Banjare in MCRC No.9180 of 2026 and Chaitanya Banjare @ Bittu in MCRC No.9533 of 2026, along with a juvenile, abused him using filthy language and brutally assaulted him in furtherance of their common intention. He further informed his father that Aman Banjare inflicted injuries on his head with stones, whereas Chaitanya Banjare @ Bittu and the juvenile assaulted him with their hands and fists. The complainant further stated in the FIR that the injured was taken to the hospital on 4.3.2026. As per the further case of the prosecution, the injured, Sagar Dhruv, succumbed to his injuries

on 7.3.2026. Consequently, the police registered an FIR against the accused persons for the commission of the aforesaid offence.

3. Learned counsel for the applicants would submit that the applicants, namely Aman Banjare and Chaitanya Banjare @ Bittu, are young boys, innocent, and have been falsely implicated in the case. It is further contended that the investigation is complete, the charge-sheet has already been filed, and custodial interrogation of the applicants is not required. Learned counsel would further submit that there is no direct evidence against the applicants and that the deceased never regained consciousness to make a dying declaration, whether written or oral. He would contend that although it is alleged in the FIR that the applicants, along with a juvenile, assaulted the deceased, the complainant has already been examined and has not supported the case of the prosecution. He would further submit that Raj Kumar Dhruv (PW-2), a witness to the memorandum statement and seizure memo, has been declared hostile. It is also argued that the applicants have been in jail since 6.3.2026 and that, out of 16 witnesses, only three have been examined so far. Learned counsel would further submit that the medical report does not support the ocular evidence. Accordingly, he would pray for grant of bail to the applicants.

4. On the other hand, learned State counsel opposes the bail applications and submits that the deceased, Sagar Dhruv, made an oral dying declaration to his father. He would further contend that the father of the deceased has been examined as PW-2 and has categorically stated in paragraph 4 that, on 4.3.2026, Pramod and Kailash Sahu came to their house and informed him that, in their presence, the present applicants and another co-accused had committed the murder of his son. It is

further argued that the memorandum statement of Aman Banjare was recorded and that, at his instance, the stone allegedly used in the commission of the offence was seized on 6.3.2026. Learned State counsel would further contend that Parmeshwar Dhruv, brother of the deceased, in his statement recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), has stated that the victim made an oral dying declaration, informing him that he had been brutally assaulted by Aman Banjare, Chaitanya Banjare @ Bittu, and another co-accused. Chitrangan, another brother of the deceased, has also affirmed that the deceased, Sagar Dhruv, made an oral dying declaration in his presence. Learned State counsel would submit that only three witnesses have been examined so far and that, at this stage, it cannot be presumed that the applicants were not involved in the commission of the murder. He would, therefore, contend that the bail applications deserve to be rejected.

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

6. The deceased was brought home by Nihal Banjare and Roshan Yadav on 3.3.2026, at about 11:45 p.m., in an injured condition. The deceased made his first oral dying declaration to his father, Raj Kumar, stating that he had been brutally assaulted by Aman Banjare, Chaitanya Banjare @ Bittu, and a juvenile. The two brothers of the deceased, namely Parmeshwar Dhruv and Chitrangan, have also stated in their respective statements recorded under Section 180 of the BNSS that the deceased, Sagar Dhruv, made such a statement in their

presence. It is an admitted fact that Parmeshwar Dhruv and Chitrangan have not yet been examined before the learned trial Court.

7. The post-mortem examination of the deceased was conducted, and the cause of death was found to be craniocerebral damage resulting from a head injury. During the post-mortem examination, the medical officers found contusion of the right temporal muscle, absence of the skull bone in the right frontotemporal region, a fracture of the base of the skull, and other injuries. The stone allegedly used in the commission of the murder was seized at the instance of accused Aman Banjare. It is a well-settled principle of law that the reliability and credibility of witnesses cannot be assessed in detail while considering a bail application, as a mini-trial is impermissible at this stage. However, Raj Kumar Dhruv (PW-2), father of the deceased, has categorically stated in paragraph 4 that the incident was witnessed by Pramod and Kailash Sahu.

8. Having considered the material available in the case diary, the allegations levelled against the applicants, and the manner in which the offence was allegedly committed, I am not inclined to allow these bail applications.

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

Sd/-
Rakesh Mohan Pandey
JUDGE

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