CGHC010391432026 2026:CGHC:47107

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2566 of 2026

1 - Naval Kishore Pandey @ Sanjay Pandey S/o Virendra Pandey Aged About 41 Years R/o Village Bagsahji, Bagdali Ganj, Distt- Lucknow (U.P.) Current Address Maharana Pratap Ward Near Bhairav Mandir, Nakapara, Police Station Bodhghat, Jagdalpur, Distt- Bastar, (C.G.)

...Appellant

versus

1 - State Of Chhattisgarh Through Police Station Bhanpuri, Distt- Bastar, (C.G.)

---- Respondent

For Appellant : Mr. Manish Nigam, Advocate

For State : Mr. Sharad Mishra, GA

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

16.11.2026

1. The complainant appeared through Video Conferencing and raised serious objection for grant of bail to the present applicant.

2. The appellant has preferred this Criminal Appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short “the SC/ST Act”) for setting aside of

order dated 19.08.2026 passed by the learned Special Judge (Atrocities), Bastar at Jagdalpur (C.G.) whereby the regular bail application filed by the appellant under Section 483 of BNSS in connection with Crime (Special Case No. 03/2026) registered at Police Station Bhanpuri, District Bastar (C.G.) for commission of offence punishable under Sections 296, 115(2), 351(2) and 103(1) of BNS has been rejected.

3. The case of the prosecution, in brief, is that on 10.08.2025, an FIR was lodged by Smt. Jaimati Kashyap, alleging that on 09.08.2025, at about 2:00 p.m., the present applicant assaulted the deceased with a wooden club, thereby causing a head injury. The deceased was taken to the hospital, where he died during the course of treatment on 12.08.2025. On the basis of said complaint, the police registered an FIR for the offences punishable under Sections 296, 115(2) and 351(2) of the BNS. Subsequently, Section 103(1) of the BNS was also added.

4. Learned counsel appearing for the appellant would submit that the deceased was not provided proper medical treatment. He would further submit that, as per the MLC report, the cause of death was recorded as head injury in a hospital-treated case. Mr. Nigam would further submit that the charge-sheet has been filed; the applicant is in jail since 21.12.2025; no prosecution witness has been examined during the trial; the appellant and the deceased were closely related; and the deceased had sustained only a simple injury. On these grounds, he would pray that the appeal may be allowed.

5. On the other hand, learned counsel for the State opposes the criminal appeal and the submission made by learned counsel for the appellant. He would submit that the present appellant assaulted the deceased with a wooden club, as a result of which the deceased sustained a head injury and subsequently died during the course of treatment on 12.08.2025. He would further contend that, in response to a query, the Medical Officer opined that the death of the deceased was homicidal in nature and the same should be correlated with other circumstances. He would submit that the present case is not a case of absence of evidence, as there are two eyewitnesses who witnessed the incident. On these grounds, he would pray that the appeal may be dismissed.

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

7. The contention raised by Mr. Nigam with regard to the deceased having sustained a simple injury cannot be accepted at this stage. As per the post-mortem report, the deceased had sustained a head injury, and the cause of death was opined to be the said head injury. Further, the Medical Officer, in response to the query raised by the Investigating Officer, opined that the death was homicidal in nature and required correlation with other circumstances. It is also relevant to note that the eyewitnesses, namely, Jagdish Kashyap and Vasu Ram Baghel, in their statements recorded under Section 180 of the BNSS, have categorically stated that the present applicant assaulted the deceased with a wooden club. Thus, the medical evidence and the

statements of the eyewitnesses prima facie support the prosecution case regarding the assault and the injury sustained by the deceased. The contention regarding improper medical treatment would require examination during trial.

8. Having considered the nature of allegations, the specific role attributed to the present applicant, the statements of the two eyewitnesses, the post-mortem report and the query report indicating the cause and nature of death, I do not find any good ground to allow this appeal. Consequently, the appeal fails and is hereby **dismissed**.

Sd/-

(Rakesh Mohan Pandey)
Judge

Rekha