CGHC010392192026 2026:CGHC:45994

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9485 of 2026

Dipesh Sahu S/o Bhuneshwar Sahu Aged About 24 Years R/o Tongopani Kala, Komakhan, Mahasamund, Distt- Mahasamund (C.G.)

--- **Applicant**

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Date: 2026.11.02 10:42:32 +0530

versus

State Of Chhattisgarh Through Station House Officer, Police Station Komakhan, Tahsi Komakhan, Distt- Mahasamund (C.G.) --- **Non-applicant**

MCRC No. 9701 of 2026

Kunjan Sahu S/o Late Shri Balu Ram Sahu Aged About 25 Years R/o Village Tongopani, Police Station - Komakhan, Mahasamund Tahsil And District Mahasamund Chhattisgarh **---Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station - Komakhan, Mahasamund District Mahasamund Chhattisgarh

--- **Non-Applicant**

For Applicant in MCRC No.9485/2026	:	Shri Prateek Sharma, Advocate.
For Applicant in MCRC No.9701/2026	:	Shri Pawan Kesharwani, Advocate.
For Non-applicant/State	:	Ms. Laxmeen Kashyap, Panel Lawyer

(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)

Order on Board

30/10/2026

1. Since the above bail applications arise out of same Crime No.59/2026 registered at Police Station Komakhan, District Mahasamund (C.G.), therefore, they are heard, clubbed together and disposed of by this

common order.

2. The applicants have preferred these **First Bail Applications** under Section 483 of the BNSS, 2023 for grant of regular bail, as they have been arrested in connection with Crime No.59/2026, registered at Police Station Komakhan, District Mahasamund (C.G.) for the offence punishable under Section 296, 115(2), 351(2), 126(2), 324(4), 103(1) and 3(5) of the Bhartiya Nyay Sanhita, 2023 (hereinafter referred to as BNS).

3. As per the case of prosecution, on 03.05.2026, the complainant – Lilabai Patel lodged a complaint/report at Police Station Komakhan alleging therein that while her son – Chittaranjan Patel was going to village Komakhan, the applicants – Kunjan Sahu, Deepesh Sahu and another accused stopped his vehicle and assaulted him by means of wooden club, hand and fists and damaged his motorcycle, as a result of such assault, he sustained grievous injuries over his head, back and other parts of the body and was admitted in the hospital and subsequently, he succumbed to injuries. Based on such complaint/report, the aforesaid offence was registered against the present applicants. Hence, these applications.

4. Learned counsel appearing for the respective applicants would contend that the deceased sustained injuries in road accident and it has been given colour of murder. It is argued by them that the statement of mother of the deceased under Section 180 of B.N.S.S. was recorded wherein she has categorically stated that she was informed by her son that he had met with a road accident. It is also

argued that the deceased was taken to the two Hospitals wherein cause of injuries sustained by him was narrated as road accident. They would submit that the present applicants have falsely been implicated in the case; charge-sheet has been filed; they are in jail since 23.05.2026; applicant – Kunjan Sahu has two criminal antecedents whereas applicant Dipesh Sahu has no criminal antecedents; They would further submit that conclusion of trial may take some considerable time, therefore, they would pray that the bail applications may be allowed and the applicants may be enlarged on bail.

5. On the other hand, learned State counsel would oppose the bail applications. She would submit that the applicants along with another co-accused person stopped the vehicle of the deceased while he was going to village Komakhan and assaulted him by means of wooden club, hand and fists. She would submit that that according to the post-mortem report, nature of death was homicidal and cause of death was head injury. She would contend that the applicant – Kunjan Sahu has two criminal antecedents. It is argued that there is ample evidence against the applicants to connect them with the crime, therefore, the present bail applications deserve to be rejected.

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

7. The statement of the deceased was recorded under Section 180 of B.N.S.S. wherein he specifically made allegation of assault against the present applicants and said statement is admissible under Section 26

of the Bhartiya Sakhya Adhiniyam, 2023, which states that statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay, would be relevant. Further taking note of the injuries sustained by the deceased, post-mortem report and nature of death, it is apparent that cause of death was head injury.

8. The contention made by the learned counsel for the respective applicants with regard to information given by the two Hospitals is of no use as it is nowhere stated that the deceased himself narrated the factum of accident to the Hospital staff. Such ground would be available to the applicants before the learned trial Court.

9. Having considered the above stated facts and considering the provision to Section 26 of the Bhartiya Sakshya Adhiniyam, 2023, I am not inclined to grant bail to the present applicants. Accordingly, the bail applications are **rejected**.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Anjani