CGHC010392682026 2026:CGHC:45706

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9570 of 2026

Premand Basant S/o Ramnath Basant Aged About 23 Years R/o Village Sevaiyakala, Police Station Pithora, District Mahasamund Chhattisgarh.

... Applicant

versus

State Of Chhattisgarh Through Station House Officer, Police Station Pithora, District Mahasamund Chhattisgarh. **... Non-Applicant**

For **Applicant**	**:** Mr. Rudra Pratap Dubey, Advocate
For **Non-Applicant/State**	**:**Mr. Sumeet Singh, Addl. Advocate General

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

29/10/2026

1. This is the First Bail Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 147/2025 registered at Police Station Pithora, District Mahasamund (C.G.) for the offences punishable under Sections 191(2), 191(3), 190, 103(1), and 238 of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution, in brief, is that on 25.07.2025, the complainant Aman Chowdhary lodged a missing person report

(endorsed as Missing Person No. 51/2025) at Police Station Pithora regarding his younger brother Amit Chowdhary, who had not returned home during the intervening night of 24–25.07.2025 and whose mobile phone was found switched off. During the course of investigation, an input was received on 27.07.2025 regarding an assault that took place between the deceased Amit Chowdhary and co-accused Pokhraj @ Raj Tiwari. Based on this information, co-accused Pokhraj @ Raj Tiwari was taken into custody, and pursuant to his memorandum statement, the dead body of the deceased was exhumed from a pit dug in the sand near Koudiya Nala bridge, which was subsequently identified as Amit Chowdhary. In his memorandum statement, co-accused Pokhraj named the present applicant and other co-accused persons, alleging that the applicant assaulted the deceased with hands and fists and assisted in concealing evidence by burying the body. Consequently, the applicant was arrested on 30.07.2025.

3. Learned counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the crime merely on the basis of suspicion and the memorandum statement of co-accused Pokhraj @ Raj Tiwari, which has weak evidentiary value. It is submitted that there is no independent eyewitness or direct material against the present applicant. It is further submitted that the charge-sheet has already been filed, material witnesses including memorandum and seizure witnesses have already been examined before the trial Court, the applicant has been languishing in jail since 30.07.2025, and trial will take time to conclude. Therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel appearing for the State vehemently opposes the bail application, submitting that the present applicant along with co-accused persons brutally committed the murder of deceased Amit Chowdhary and actively participated in concealing the dead body by burying it in the sand. He submits that the trial is at an advanced stage, wherein out of 39 cited prosecution witnesses, 14 witnesses have already been examined. He further contends that the reliability and

credibility of prosecution witnesses cannot be mini-trialled or scrutinized at the stage of considering regular bail. Since there is sufficient material connecting the applicant with the alleged murder, the bail application deserves to be rejected.

5. Heard learned counsel for the parties and perused the case diary as well as the deposition sheets available on record.

6. Considering the facts and circumstances of the case, the nature and gravity of the allegations involving the heinous offence of murder punishable under Section 103(1) of the BNS and active concealment of the dead body; taking note of the fact that the trial is at an advanced stage where 14 out of 39 prosecution witnesses have already been examined; and well-settled principle of law that a mini-trial or evaluation of the credibility of witnesses cannot be embarked upon while considering regular bail, this Court finds that it is not a fit case to extend the benefit of regular bail to the applicant at this stage.

7. Accordingly, the first bail application under Section 483 of the BNSS is **rejected**.

Sd/-

Rakesh Mohan Pandey

JUDGE

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