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VAIBHAV SINGH Digitally signed by VAIBHAV SINGH Date: 2026.10.09 15:07:49 +0530

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9541 of 2026

Bhishma Kumar Yadav S/o Khikram Yadav Aged About 63 Years Occupation Labour, R/o Ward No. 3, Majhpara, Village Upani, Post Sakrali, Police Station Dabhra, District, Sakti (C.G.) ---**Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kharsia, District Raigarh (C.G.) ---**Non-applicant**

For respective Applicants	:	Mr. Pranjal Agrawal, Advocates.
For Non-applicant/State	:	Mr. Surendra Dewangan, Panel Lawyer.

SB: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

08.10.2026

1. This is the third bail application. A perusal of the documents enclosed with the bail application reveals that the applicant's first and second bail applications were dismissed as withdrawn, with liberty to file afresh, by the Coordinate Bench of this Court.

2. This bail application is filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail as the applicant has been arrested in connection with Crime No.

353/2026 registered at Police Station – Kharsia, District Raigarh Chhattisgarh for the offences punishable under Sections 110, 125(a) and 105 of the Bharatiya Nyaya Sanhita, 2023 and Section 185 of the Motor Vehicles Act.

3. The case of the prosecution, in brief, is that the complainant, Yogesh Garg, lodged a written complaint at Police Chowki Kharsia alleging that on 06.07.2026, at about 5:45 p.m., his uncle, Kailash Garg, aged about 73 years, was riding his motorcycle from Hemu Colony Chowk towards Rathore Chowk, Kharsia, when a white Scorpio vehicle bearing Registration No. CG-13-AY-6539, allegedly driven at a high speed, hit his motorcycle from behind and dragged it for approximately 200–250 feet. The injured was initially taken to Dr. R.C. Agrawal and thereafter to Fortis Jindal Hospital, Raigarh. Subsequently, he was referred to V.Y. Hospital, Raipur, on 07.07.2026, and then to Yashoda Hospital, Hyderabad, on 09.07.2026. On the basis of the said complaint, FIR No. 353/2026 was registered on 13.07.2026 at 17:26 hours against the unknown driver of the said vehicle for the offences punishable under Sections 110 and 125(a) of the Bharatiya Nyaya Sanhita, 2023. The applicant, who was allegedly driving the said vehicle and holds a valid driving licence issued on 11.04.2023 and valid up to 10.04.2033, was arrested on 21.07.2026. The applicant has denied the allegations of rash and negligent driving and driving under the influence of alcohol. The investigation has been completed, and the charge-sheet has been filed before the competent Court.

4. Learned counsel for the applicant submits that the applicant is

innocent and has been falsely implicated in the present case. He further submits that accident occured due to negligent act on the part of the deceased on public road. He further submits that applicant is in jail since 21.07.2026 and has no criminal antecedent. Hence, the applicant may also be enlarged on bail.

5. Learned State counsel opposes the bail application and submits that the accident occurred due to rash and negligent driving by the applicant. He further submits that the charge-sheet has already been filed and that the applicant has no criminal antecedent.

6. I have heard learned counsel for the respective parties and perused the documents filed along with the bail application.

7. Taking into consideration the facts and circumstances of the case, nature of the allegations, submissions of learned counsel for the respective parties, charge-sheet has already been filed, applicant is in jail since 21.07.2026, trial is likely to take some time, without commenting anything on the merits of the case, I am inclined to allow this application for grant of bail.

8. Accordingly, the bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is allowed and it is directed that applicant shall be released on bail upon his furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of Trial Court concerned on the conditions that:

> (a) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be

open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(b) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(c) In case, the applicant misuses the liberty of bail during trial andin order to secure her presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(d) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith. Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Vaibhav