CGHC010411552026 2026:CGHC:47313

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9896 of 2026

Kamal Patel Ramkumar Patel Aged About 22 Years R/o Village Parsapali, P.S. Gidhouri District Balodabazar Bhatapara, Chhattisgarh. **... Applicant**

versus

State Of Chhattisgarh Through- The Station House Officer P.S. Gidhouri Balodabazar District Balodabazar Bhatapara, Chhattisgarh. **... Non-Applicant**

For Applicant	**:**	Mr. Pragalbha Sharma, Advocate
For Non-Applicant/State	**:**	Ms. Priya Sharma, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

17/11/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for the grant of regular bail to the applicant, who has been arrested in connection with Crime No. 142/2026 registered at Police Station Gidhauri, District Balodabazar-Bhatapara (C.G.), for the offences punishable under Sections 109, 296, 115(2), and 118(2) of the Bharatiya Nyaya Sanhita, 2023.

2. As per the prosecution story, on 09.07.2026 at around 10:00 PM, the complainant Vijay Verma, along with his companions Sameer Patel and Deepak Verma, was returning from village Baloda to Gidhauri on a motorcycle. When they reached village Parsapali, the road was blocked due to a crowd gathered around a DJ playing at a wedding function. When they asked for way to pass, two to three boys from village Parsapali began abusing and threatening to kill them. Upon objection

by the complainant, one of the assailants took out a sharp-edged weapon and assaulted him, causing injuries to his stomach, thigh, and back. The injured was initially taken to Kasdol Hospital and subsequently referred to District Hospital, Balodabazar for treatment. On the report of the complainant, Crime No. 142/2026 was registered.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the present case. It is contended that the FIR was initially lodged against 2–3 unknown persons, and despite the incident having occurred at 10:00 PM amidst a crowded wedding procession, no Test Identification Parade (TIP) under Section 54 of the BNSS was conducted by the investigating agency. There is a material contradiction in the prosecution version, as the medical authorities at Kasdol/Balodabazar were initially informed that the injuries were caused by an iron rod, which was later altered to a sharp weapon/knife, and no FSL report has been placed on record connecting the seized weapon to the complainant's blood. The eyewitnesses cited in the FIR did not attribute any specific overt act of stabbing to the applicant in their statements, and the alleged recovery of the knife is planted and uncorroborated by independent local witnesses. Even otherwise, the altercation occurred abruptly over a sudden traffic blockage without any premeditation. The applicant has been in judicial custody since 14.07.2026, statements were recorded on 22.07.2026; the charge-sheet has already been filed on 18.09.2026, and the conclusion of the trial is likely to take considerable time; thus, he prays for grant of regular bail.

4. On the other hand, Ms. Sharma, learned Panel Lawyer appearing for the State opposes the bail application and submits that during the course of investigation, material was collected from local residents identifying the involvement of the present applicant, and the injured specifically named the applicant in his statement recorded under Section 180 of the BNSS. Pursuant to his arrest, the weapon of offence (knife) was

seized on his instance. She further submits that the injured sustained three stab injuries on vital parts of the body, and as per the medical report, the injuries were grievous in nature and dangerous to life; thus, the applicant is not entitled to be released on bail.

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

6. The grounds raised by learned counsel for the applicant regarding the non-conduct of a Test Identification Parade, the initial discrepancy in describing the weapon at the hospital, the evidentiary value of the memorandum and seizure, and the absence of an FSL report are matters of factual appreciation and defence that can appropriately be adjudicated by the learned trial Court during the course of trial, and cannot be meticulously examined at this stage.

7. From the perusal of the record, it prima facie appears that the injured complainant specifically named the present applicant in his statement recorded under Section 180 of the BNSS, following which the applicant was apprehended and the weapon of offence (knife) was recovered at his instance. Further, according to the medical report, the injured sustained three stab wounds on his stomach, thigh, and back, which were opined to be grievous and life-threatening in nature.

8. Considering the nature and gravity of the offence, the specific attribution made by the injured, the recovery of the weapon of offence at the instance of the applicant, and the severity of the life-threatening injuries sustained by the victim, I am not inclined to release the applicant on regular bail.

9. Accordingly, the present bail application filed under Section 483 of the BNSS is hereby **rejected**. Sd/-

Rakesh Mohan Pandey
JUDGE

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