



2026:CGHC:10021

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 681 of 2026**

Om Shankar Patail S/o Johit Ram Patail Aged About 33 Years R/o House No. 92, Dipapara, Chaple, P.S. And Tahsil Kharsiya, Distt. Raigarh, Chhattisgarh.

... Applicant**versus**

State of Chhattisgarh Through The Station House Office, Police Of P.S. Kharsiya, District- Raigarh, Chhattisgarh.

... Non-Applicant

For Applicant	: Mr. Jeet Ram Patel, Advocate.
For Non-Applicant/State	: Ms. Ankita Shukla, Panel Lawyer.
For Objector	: Mr. C. Jayant K. Rao, Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****26.02.2026**

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No. 451/2025 registered at Police Station Kharsiya, District- Raigarh, (C.G.) for the offence punishable under Section 109 read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023. (for short 'BNS')
2. Case of the prosecution, in nutshell, is that on 18.08.2025 at about 16:45 hours, owing to a land dispute, the present applicant along



with his father, namely Johit Ram Patel, assaulted one Kamal Patel and inflicted a knife injury on his abdomen, as a result of which the said Kamal Patel sustained grievous injuries. The said allegations are reflected in the copy of the FIR filed along with the present application. Hence, this bail application.

3. Learned counsel for the applicant submits that the applicant has not committed any offence as alleged and has been falsely implicated in the present case due to previous enmity and land dispute between the parties. It is further submitted that similarly situated co-accused person, namely, Johitram Patel, has already been granted bail by this Hon'ble Court vide order dated 17.11.2025 in MCRC No. 8264/2025. He also submits that the present applicant has 05 criminal antecedents of the year 2011, 2014, 2018, 2023 and 2024, out of which, he has already been acquitted in four cases and in one case he is on bail. He further submits that the present applicant is in jail since 19.08.2025, charge-sheet has been filed and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicant on the ground of parity.
4. On the other hand, learned State Counsel appearing for the respondent/State as well as learned counsel for the objector opposes the bail application and submits that the charge-sheet has been filed in the present case before the competent Court. It is further submitted that the present applicant, along with co-accused, intentionally assaulted the injured Kamal Patel with a knife due to a land dispute and caused grievous injuries on his abdomen. It is contended that the offence is serious in nature, supported by the



FIR and medical evidence. It is further submitted that the present applicant has 05 criminal antecedents which shows that he is a habitual offender. Therefore, looking to the seriousness of the allegations, the applicant is not entitled for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of offence, the fact that though there are allegations that the present applicant, along with co-accused, intentionally assaulted the injured Kamal Patel with a knife due to a land dispute and caused grievous injuries on his abdomen and the applicant has five criminal antecedents, but criminal antecedents are of the year 2011, 2014, 2018, 2023 and 2024, out of which, he has already been acquitted in four cases and in one case, he is on bail and further the fact that co-accused person, namely, Johitram Patel, has already been granted bail by this Court vide order dated 17.11.2025 in MCRC No. 8264/2025, and the case of present applicant is identical to that of the co-accused person, the charge-sheet has been filed before the competent Court and the applicant is in jail since 19.08.2025 and the trial is likely to take sometime for its conclusion, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Accordingly, the bail application is **allowed**. Let the Applicant- **Om Shankar Patail**, involved in Crime No. 451/2025 registered at Police Station Kharsiya, District- Raigarh, (C.G.) for the offence punishable under Section 109 read with Section 3(5) of Bharatiya



Nyaya Sanhita, 2023, be released on bail on his furnishing a **personal bond** with **two sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) 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.

(ii) 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.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his 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.

(iv) 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.

8. However, this Court hopes and trusts that the trial Court shall make an earnest endeavour to conclude the trial as expeditiously as possible within a period of **six months** from the receipt of a certified copy of this order in accordance with law, if there is no legal impediment.
9. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice

Rahul Dewangan