



2026:CGHC:9346



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1413 of 2026

Nitish Kumar Yadav S/o Rajdev Yadav Aged About 24 Years R/o
Nauwagardan, P.S.- Barachatti, District- Gaya (Bihar)

... Applicant

versus

State Of Chhattisgarh Through Police Station- City Kotwali, District Raigarh
C.G.

... Respondent

For Applicant	:	Mr. Dharendra Prasad Mishra, Advocate
For Respondent-State	:	Mrs. Anuja Sharma, Dy. Govt. Advocate

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

23.02.2026

- Applicant has filed this **third bail** application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail as he has been arrested in connection with Crime No. 696/2023 registered at Police Station – City Kotwali, Raigarh, (C.G.) for offence punishable under Section 323, 506, 342, 450, 395, 397, 120B/34 of IPC and 25 and 27 of Arms Act. First bail application of the present applicant was withdrawn with liberty to repeat the prayer at appropriate stage vide order dated 20.01.2025 in MCRC No. 533 of 2025. Second bail application of the present applicant was also withdrawn with liberty to repeat the prayer after examination of material witnesses vide order



dated 16.09.2025 in MCRC No. 5698 of 2025 with batch of other bail applications.

2. Case of prosecution in brief is that, on 19.09.2023, some persons entered into the Axis Bank, Raigarh have committed robbery and ran away. Incident was reported to the concerned police station and it was circulated to the entire border areas of the State. When applicant was travelling through Ramanujganj by car, his car was intercepted by Police and on suspicion, he was taken to police station and thereafter, he was arrested. His memorandum statement was also recorded.
3. Learned counsel for applicant submits that applicant has been falsely implicated in the crime, he has not committed offence as alleged. He further submits that applicant has been implicated in the present crime only on the basis of memorandum statement of co-accused persons and in the charge-sheet police has shown seizure of ten number of live cartridges of 7.6 pistol, one steel body pistol, one magazine and one pulsar motorcycle. Seizure witnesses are the bank employees and according to PW-6 Vivek Rathore, he has been made witness in the police station and not at the place of seizure. Many other co-accused similarly situated persons have been enlarged on bail namely, Rahul Kumar, Rakesh Kumar, Prakash Kumar @ Pawan Yadav, Anwarjeet Kumar and Rajesh Kumar @ Akash Kumar in different bail applications. He lastly submits that applicant is in jail since 02.10.2023 i.e. more than two years has been elapsed and as many as 28 witnesses have been examined and 38 witnesses are still to be examined. Hence applicant be enlarged on bail.



4. On the other hand, learned counsel for State opposes the submission made by learned counsel for the applicant and submits that there are seizure of incriminating articles arms and motorcycle which are used in commission of offence. She submits that in CCTV footage it is seen that some persons are travelling on the motorcycle after committing robbery from the bank, however, upon asking she submits that in the seizure memo no number of motorcycle is mentioned.
5. I have heard learned counsel for the parties and perused the documents enclosed along with the bail application.
6. Taking into consideration the facts and circumstances of the case, nature of allegation, submission made by learned counsel for respective parties and further considering the period of pre-trial detention as also the other co-accused persons have been enlarged on bail, without commenting anything on the merits of the case, I am inclined to allow this application.
7. Accordingly, bail application is **allowed**. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the Court 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 him counsel. In case of him 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 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.

(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.

8. 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

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