



2026:CGHC:10267

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1919 of 2026

1 - Arjun Sahu S/o Santram Sahu Aged About 22 Years R/o Lalpur, In Front Of Shitla Talab, P.S. - Tikrapara, District - Raipur, Chhattisgarh.

2 - Mukesh Sahu S/o Santosh Sahu Aged About 25 Years R/o Shraddha Vihar Boriyakhurd, P.S. - Tikrapara, District - Raipur, Chhattisgarh.

... **Applicant(s)**

versus

State Of Chhattisgarh Through The Station House Officer Of Police Station - Tikrapara, District - Raipur, Chhattisgarh.

... **Respondent(s)**

For Applicant(s) : Mr. Sachin Nidhi, Advocate.

For Respondent(s) : Ms. Ritika Verma, Panel Lawyer.

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

27/02/2026

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. 858/2025 registered at Police Station Tikrapara, District - Raipur (C.G.) for the offence punishable under Sections 109, 115(2), 126(2), 296, 3(5) of Bharatiya Nyaya Sanhita (for short 'BNS') and Section 25 and 27 of Arms Act.

2. Case of the prosecution, in brief, is that on 21.10.2025, between approximately 2:00 PM and 3:00 PM, the accused persons, namely Arjun Sahu and Mukesh Sahu (present applicants), along with their other associates, allegedly assaulted the complainant, Ratan Soni. It is alleged that the accused attacked the complainant with a sharp and pointed weapon with the intention to cause his death and inflicted grievous injuries upon him. During the course of investigation, a memorandum statement of accused Arjun Sahu was recorded, pursuant to which a knife alleged to have been used in the commission of the offence was recovered and seized from his possession. Upon completion of investigation, a charge-sheet has been filed against the accused persons under Sections 126(2), 296, 115(2), 109, and 3(5) of the Bharatiya Nyaya Sanhita (BNS), as well as under Sections 25 and 27 of the Arms Act. Hence, the bail application.
3. Learned counsel for the applicants submits that the applicants have not committed any offence and they have been falsely implicated in offence in question. He further submits that the learned trial Court failed to properly appreciate the essential ingredients of Section 109 of the BNS and also erred in not

considering the true nature of the injuries allegedly inflicted by the applicants. It is further pertinent to mention that no definite opinion has been rendered by the medical officer with regard to the nature and gravity of the injuries sustained. He also submits that the learned trial Court failed to appreciate that the applicants had no intention to cause the death of the complainant, and that the incident occurred on account of a sudden quarrel arising out of grave and sudden provocation between the parties. The applicants are in jail since 23.10.2025, the applicants have no criminal antecedent, 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.

4. On the other hand, learned State Counsel appearing for the respondent/State opposes the bail application and submits that the charge-sheet has been filed in the present case. She further submits that the allegation of inflicting injuries, which is grievous in nature, is attributed to applicant No.1, whereas applicant No.2 assaulted the complainant / injured by hands and fists. Moreover, during the course of the investigation, knife allegedly used in the offence was recovered from the possession of applicant No.1, Arjun Sahu pursuant to his memorandum statement. She also submits that so far as criminal antecedents of the applicants are concerned, applicant No.1 has one criminal antecedent, whereas applicant No.2 has no criminal antecedent.

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, period of detention of the applicant since 23.10.2025, the fact that the specific role attributed to applicant No.1, Arjun Sahu in inflicting grievous injuries upon the complainant, the recovery of the knife allegedly used in the commission of the offence from his possession pursuant to his memorandum statement, and also taking into account his criminal antecedent, as such, without expressing any opinion on the merits of the case, this Court is of the opinion that it is not a fit case to enlarge the applicant on regular bail.
7. Accordingly, the bail application of applicant- **Arjun Sahu**, involved in Crime No. 858/2025 registered at Police Station Tikrapara, District - Raipur (C.G.) for the offence punishable under Sections 109, 115(2), 126(2), 296, 3(5) of Bharatiya Nyaya Sanhita (for short 'BNS') and Section 25 and 27 of Arms Act, is **rejected**.
8. Whereas the allegation against applicant No.2 is that he assaulted the complainant by hands and fists, and further taking into account that no weapon has been recovered from him and he has no criminal antecedent hence, this Court is of the view that the applicant No.2 is entitled to be released on bail in this case.
9. Let the Applicant-**Mukesh Sahu**, involved in Crime No. 858/2025

registered at Police Station Tikrapara, District - Raipur (C.G.) for the offence punishable under Sections 109, 115(2), 126(2), 296, 3(5) of Bharatiya Nyaya Sanhita (for short 'BNS') and Section 25 and 27 or Arms Act, 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.

- 10.** Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Akhil