



2026:CGHC:21487



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2658 of 2026

1 - Lokesh Yadav @ Bittu Yadav S/o Dilip Yadav Aged About 18 Years
R/o Village Borsi, P.S. Fingeshwar, Distt. Gariyaband, Chhattisgarh.

2 - Akash Nishad S/o Santosh Nishad Aged About 18 Years R/o Village
Borsi, P.S. Fingeshwar, Distt. Gariyaband, Chhattisgarh.

--- **Applicants**

versus

State of Chhattisgarh Through Station House Officer, P.S. Fingeshwar,
Distt. Gariyaband, Chhattisgarh.

--- **Non-Applicant**

Along with

MCRC No. 2998 of 2026

1 - Dinesh Kumar Sahu S/o Uttam Sahu Aged About 20 Years R/o
Village- Borsi, Police Station- Fingeshwar, District- Gariyaband (C.G.)

2 - Jhanendra Sahu S/o Devsharan Sahu Aged About 18 Years R/o
Village- Jenjara, Police Station- Rajim, District- Gariyaband (C.G.)

--- **Applicants**

Versus

State of Chhattisgarh Through - The Station House Officer, Police of
Police Station- Fingeshwar, District- Gariyaband (C.G.)

--- **Non-Applicant**

For Applicants	: Mr. Krishna Kumar Dewangan, Advocate Mr. K.S. Pradhan, Advocate
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For Non-Applicant/State	: Ms. Palak Dwivedi, Panel Lawyer
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**Hon'ble Mr. Ramesh Sinha, Chief Justice****Order on Board****07.05.2026**

1. Since the above-mentioned two first bail applications arise out of same incident, same crime number and registered at same police station, they are clubbed and heard together and are being disposed of by this common order.
2. The applicants have preferred these First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No. 03/2026, registered at Police Station : Fingeshwar, District- Gariyaband, (C.G.) for the offence punishable under Sections 296, 109(1), 190, 191(1),(2),(3), and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 25 & 27 of the Arms Act.
3. The prosecution case, in brief, is that on 07.01.2026, the complainant Hulas Sahu lodged a report at Police Station Fingeshwar alleging therein that on the night of 06.01.2026, during the Madai (market) held at Village Borsi, the accused persons namely Krishna Sahu, Bhanu Prakash Nishad, and their companions, including the present applicants, abused the injured Gaindlal Sahu with filthy language and assaulted him by hand and fist. It is further alleged that co-accused Krishna Sahu inflicted knife injuries on the abdomen and back side of the injured Gaindlal Sahu, due to which he sustained serious injuries. Thereafter, the injured was immediately taken to Fingeshwar Hospital for primary treatment and subsequently referred to Vaidehi Hospital, Mahasamund for better treatment. On the basis of the said report,



FIR bearing Crime No. 03/2026 was registered against the accused persons at Police Station Fingeshwar, District Gariaband, and during the course of investigation, the present applicants were also implicated in the alleged offence. Hence, these bail applications.

4. Learned counsel for the applicants submits that the present applicants are innocent persons and have been falsely implicated in the instant case. It is submitted that the names of the applicants are not mentioned in the FIR and no specific allegation regarding causing knife injury has been made against them. As per the prosecution case itself, the knife injury was allegedly inflicted by the juvenile co-accused, whereas the role attributed to the present applicants is only that they assaulted the injured by hand and fist during the quarrel. It is further submitted that no incriminating article has been seized from the possession of the applicants and the material collected during investigation is not sufficient to prima facie establish their involvement in the grievous assault. He further submits that the juvenile co-accused, who is alleged to have caused the knife injury to the injured Gairdlal Sahu, has already been granted bail by the trial Court. It is also submitted that the applicants are young village boys, they have no previous criminal antecedents and are in jail since, 08.01.2026 and 09.01.2026 respectively, the charge sheet has already been filed, and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicants.



5. On the other hand, learned State Counsel appearing for the non-applicant/State opposes the bail applications and submits that the charge-sheet has been filed in the present cases. She further submits that the present applicants were actively involved in the incident and had assaulted the injured Gaindlal Sahu by hand and fist in furtherance of common intention along with other co-accused persons, whereas co-accused Krishna Sahu caused knife injuries on the abdomen and back side of the injured, due to which he sustained serious injuries. It is further submitted that considering the nature and gravity of the offence, the manner in which the incident occurred during the Madai at Village Borsi, and the material collected during investigation, the applicants are not entitled to be released on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the nature of allegations, the material collected during investigation, and the submissions advanced by learned counsel for both the parties, this Court finds that though the present applicants are alleged to have assaulted the injured Gaindlal Sahu by hand and fist during the incident, however, as per the prosecution case, the specific allegation of inflicting knife injuries upon the injured is attributed to the juvenile co-accused, who has already been granted bail by the competent Court. Further considering that the names of the present applicants are not mentioned in the FIR, no incriminating article has been seized from their possession, the charge-sheet has already



been filed, the applicants are in jail since 08.01.2026 and 09.01.2026 respectively, the charge sheet has been filed, and and conclusion of the trial may take some time, without expressing any opinion on the merits of the case, this Court is of the considered view that the present applicants are entitled to be released on regular bail in theses cases.

8. Accordingly, the bail applications of the applicants are **allowed**. Let the Applicants – **Lokesh Yadav @ Bittu Yadav, Akash Nishad, Dinesh Kumar Sahu, and Jhanendra Sahu**, involved in Crime No. 03/2026, registered at Police Station : Fingeshwar, District-Gariyaband, (C.G.) for the offence punishable under Sections 296, 109(1), 190, 191(1),(2),(3), and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 25 & 27 of the Arms Act, be released on bail on furnishing **personal bond** with **two sureties each** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence,



without sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicants 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 applicants are 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 them in accordance with law.

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