



2026:CGHC:21254

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3307 of 2026

1. Dashrath Sahu S/o Pardeshi Sahu Aged About 60 Years R/o Village Tongopathra, P.S. Pithora, District Mahasamund Chhattisgarh
2. Preetlal Sahu S/o Dashrath Sahu Aged About 30 Years R/o Village Tongopathra, P.S. Pithora, District Mahasamund Chhattisgarh
3. Brijlal Sahu S/o Dashrath Sahu Aged About 28 Years R/o Village Tongopathra, P.S. Pithora, District Mahasamund Chhattisgarh

... Applicants

versus

State of Chhattisgarh Through Station House Officer, Police Station
Pithora District Mahasamund (C.G.)

... Non-applicant

For Applicants : Mr. Sudhir Kumar Sahu, Advocate.

For Non-applicant/State : Mr. Soumya Rai, Dy. Govt. Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

06.05.2026

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 02/2026 registered at Police Station Pithora, District Mahasamund (C.G.), for the offences punishable under Sections 115(2), 127(1), 296, 3(5), 351(3), 109 of the Bhartiya Nyaya Sanhita, 2023.

2. According to the prosecution's story, on 01.01.2026 at about 5:30 PM, the complainant, Chakradhar Sahu, along with his brother, Ganesh Sahu, was travelling by motorcycle near the house of Hemsagar Patel in Village Tongopathra. Due to an old family dispute, the accused persons - Dashrath Sahu, Preetlal Sahu, Brijlal Sahu, and Govind Patel, blocked their path and began hurling abuses and issuing death threats. The prosecution alleges that Preetlal, Dashrath, and Brijlal Sahu then assaulted Ganesh Sahu with wooden sticks, specifically hitting him on the nose and head. The injuries sustained by him were serious, as per the medical report, the victim could have died had he not received timely medical treatment. Further, when a neighbour, Savitri Budek, tried to intervene and stop the fight, Govind Patel allegedly slapped her twice, causing her to fall. On the basis of the said complaint, the concerned Police Station has registered an FIR for offences under Sections 115(2), 127(1), 296, 3(5), 351(3), and 109 of the Bharatiya Nyaya Sanhita against the accused persons.
3. Learned counsel for the applicant submits that the present applicant is innocent person and has been falsely been implicated in the aforesaid case. He further submits that the present applicants have been falsely implicated in this case due to a long-standing and admitted history of personal enmity between the families of the complainant and the accused. On the date of the alleged incident, i.e., 01.01.2026, the applicants were engaged in a peaceful discussion regarding paddy procurement with fellow villagers near the house of Hemsagar Patel. He submits that the dispute was initiated by the complainant, Chakradhar Sahu, and his brother, Ganesh Sahu, who arrived at the scene and provoked the applicants. The applicants acted without any premeditated intent or common intention to cause death. Applicant No. 1, Dashrath

Sahu, is a senior citizen aged approximately 60 years, and his continued incarceration in judicial custody poses a significant risk to his physical and mental health. He also submits that the offences alleged under the Bharatiya Nyaya Sanhita, 2023, including Sections 115(2), 127(1), 296, 3(5), and 351(3), are not punishable with death or life imprisonment, which favours the grant of bail. He also submits that the medical report indicating the nature of the injuries sustained by the victim should be subjected to scrutiny at the trial stage to determine whether the injuries were indeed life-threatening or merely the result of a sudden scuffle. He submits that the applicant No. 1 has only 02 criminal antecedents whereas the applicant No. 2 and 3 have no criminal antecedents. He further submits that the applicants are in jail since 22.01.2026, conclusion of the trial may take some time, therefore, he prays for grant of regular bail to the applicants in the present case.

4. On the other hand, learned State counsel opposed the bail application of the present applicant and submitted that the charge-sheet has already been filed before the competent Court. He further submits that the applicant assaulted the injured person with a wooden stick, as a result of which the injured sustained injuries, though he could not dispute the fact that the injured refused to undergo medical examination to ascertain the nature of the injuries.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of the allegations levelled against the applicants, the fact that the charge-sheet has already been filed before the competent Court, the statement that the injured refused to undergo medical examination for ascertainment of the nature of injuries, and further considering that the applicants have been in custody since 22.01.2026 and that the conclusion of the trial is likely to

take considerable time, this Court is of the considered opinion that the applicants are entitled to the grant of regular bail in the present case.

7. Let the Applicants – **Dashrath Sahu, Preetlal Sahu, and Brijlal Sahu**, involved in Crime No. 02/2026 registered at Police Station Pithora, District Mahasamund (C.G.), for the offences punishable under Sections 115(2), 127(1), 296, 3(5), 351(3), 109 of the Bhartiya Nyaya Sanhita, 2023, 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.

8. 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

Abhishek