



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 4235 of 2026**

Tej Bahadur Patel S/o Brij Kishore Aged About 30 Years R/o Banai Ka Pura, (Baribojh) Atrampur Nawaganj Allahabad (U.P.) Present Address Sutarra, Tahsil And District- Katghora District- Korba (C.G.) (As Per Page -11).

... Applicant**versus**

State Of Chhattisgarh Through Police Station Katghora, District- Korba (C.G.)

... Non-applicant

For Applicant : Mr. Vikas Kumar Pandey, Advocate

For Non-applicant/State : Mr. Saumya Rai, Dy. G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****06.05.2026**

1. The applicant has preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No.43/2026, registered at Police Station : Katghora, District Korba (C.G.) for the offence punishable under Sections



316(5), 317(2), 317(3), 3(5) of Bharatiya Nyaya Sanhita.

- 2.** Case of the prosecution story, in brief, is that the complainant, Surendra Kumar Jangid, Chief Executive Manager and Power of Attorney Holder of Shivakirati International Limited Company, lodged a written complaint alleging that on the night of 20.01.2026, certain unknown persons committed theft of railway materials, including iron sleepers and fittings worth approximately Rs. 2 crores, from the Gevra-Pendra Railway Project site after threatening the security personnel with weapons. Pursuant to the said complaint, an enquiry was conducted and thereafter FIR bearing Crime No. 43/2026 dated 30.01.2026 was registered at Police Station Katghora, District Korba (C.G.) for offences punishable under Sections 316(5), 317(2), 317(3) and 3(5) of the B.N.S. Act against unknown persons. During the course of investigation, the present applicant along with other co-accused persons was arrested in connection with the said offence.
- 3.** Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is further submitted that the name of the applicant does not find place in the FIR and he was merely working as a JCB operator at



the site and had no role in the alleged theft or misappropriation of railway materials. Counsel further submits that no incriminating material has been seized from the possession of the applicant and during his employment he worked sincerely without any complaint. It is also submitted that the investigation has been completed and charge-sheet has already been filed before the learned trial Court. Learned counsel further submits that similarly situated co-accused persons have already been granted bail by this Hon'ble Court in **M.Cr.C. No. 3214/2026** vide order dated **09.04.2026**, and therefore, on the ground of parity also the present applicant is entitled to be released on bail.

4. Learned State counsel opposes the bail application and submits that the applicant has been rightly implicated on the basis of material collected during the course of investigation. It is further submitted that the allegations against the applicant are serious in nature involving theft of railway materials worth approximately **Rs. 2 crores** from the Gevra-Pendra Railway Project site by threatening security personnel with weapons. The State further submits that the applicant is in custody **since 01.02.2026** and the investigation is still in progress as charge-sheet has yet been filed. Considering the gravity of the offence and the active involvement of the applicant in the commission of



crime, hence, the applicant is not entitled to be released on bail.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, particularly the fact that the applicant is in custody since 01.02.2026, the charge-sheet has already been filed, and the applicant has no previous criminal antecedents, this Court is of the view that further custodial detention of the applicant is not warranted. It is also noticed that the applicant was working as a JCB operator at the site and no incriminating material has been seized from his possession. Further, similarly situated co-accused has already been granted bail by this Court in **M.Cr.C. No.3214/2026** vide order dated **09.04.2026**, therefore, on the ground of parity also, the present applicant is entitled to be released on bail. Accordingly, without commenting upon the merits of the case, this I am inclined to **allow** the bail application.
7. Accordingly, the bail application of the applicant is **allowed**. Let the Applicant –**Tej Bahadur Patel** involved in Crime No.43/2026, registered at Police Station : Katghora, District Korba (C.G.) for the offence punishable under Sections 316(5), 317(2), 317(3),



3(5) of Bharatiya Nyaya Sanhita, be released on bail on furnishing **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 misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS is issued and the applicant fail 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. 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**

Arpan