



2026:CGHC:21445

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 4278 of 2026**

- Wasim Khan Basir Khan Aged About 27 Years R/o D.D. Nagar, Jogi Bangle Block 32, P.S. D.D. Nagar, Distt. Raipur, Chhattisgarh.

... Applicant(s)**versus**

- State of Chhattisgarh Through The Police Kabir Nagar, Distt. Raipur, Chhattisgarh.

... Respondent(s)**(Cause title is taken from Case Information System)**

 For Applicant(s) : Mr. Tanuj Patwardhan, Advocate

 For Respondent(s) : Ms. Ankita Shukla, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****07.05.2026**

1. This is First bail application filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicants arrested in connection with Crime No. 252/2025 registered at Police Station – Kabir Nagar, District – Raipur (C.G.) for the offence punishable under Sections 109, 3(5) on BNS.
2. That, prosecution story in brief is that the applicant, namely Dhani Yadav, lodged a report at Police Station Kabir Nagar, District-Raipur (Chhattisgarh), stating that on 07.12.2025 at about 08:00 PM, Abdul Haseem @ Bada, Faiz Khan, Durgesh



Sahu and others were sitting in BSUP Colony, where during conversation a plan for consumption of alcohol chalked out, to which waseem Khan expressed his unwillingness to take them in his vehicle; at that time, a police vehicle arrived in the colony, upon which Sahil threw away a knife and ran towards his house, and after the police vehicle left, Sahil returned and a minor boy brought a knife and handed it over to him, whereafter all of them went to Tatibandh Bhatti (liquor shop) and purchased two quarters of Goa liquor and thereafter proceeded to a highway dhaba situated on the Tatibandh-Bilaspur bypass, where they purchased food, sat nearby, and consumed liquor and food while conversing, during which Sahil Khan, allegedly on account of prior enmity, initiated a quarrel with the complainant alleging that he had called Wasim a "one-eyed man," (kana) and despite Abdul Haseem @ Bada attempting to pacify the situation, Sahil continued to abuse the complainant and, with the intention to cause his death, took out a knife and inflicted blows on his abdomen, and when the complainant attempted to defend himself by turning back and restraining him, Sahil stabbed him thrice on his back near the waist, while Wasim assaulted him with a stick taken from his vehicle; meanwhile, Abdul Haseem @ Bada, who had intervened, attempted to flee but was chased by Sahil and Wasim, and near Birsup Colony, Jarwai, Sahil apprehended him and inflicted a knife blow on his abdomen, while Wasim assaulted him with a stick, causing him to sustain grievous injuries and fall on the spot. On the basis of which the applicant was arrested by the police of Police Station Kabir Nagar, District - Raipur (C.G.), for the alleged offence punishable under Section(s) 109, 3(5) of B.N.S., 2023.



3. Learned counsel for the applicants submit that the applicant has been falsely implicated in this case. It is further contended that the allegation levelled against the present applicant is only to the effect that he assaulted the injured persons with a blunt object, whereas the principal allegation of causing injury by means of a knife has been attributed to the co-accused persons. It is further submitted that, out of the two injured persons, one sustained grievous injuries allegedly caused by a knife, while the other sustained only simple injuries. Therefore, the role attributed to the present applicant is comparatively limited in nature and distinguishable from that of the main accused. He also submits that the applicant is in jail since 09.12.2025 and he has no previous criminal antecedents, conclusion of the trial may take some time, therefore, he prays for grant of regular bail to the present applicant.
4. On the other hand, learned State counsel, opposes the bail application and submits that there is no previous antecedent against the present applicant but looking to the conduct of present applicant. Thus, the bail application deserves to be rejected.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, submissions of learned counsel for the parties, nature of dispute and material available in the case diary, also considering the fact that applicant assaulted the injured persons with a blunt object, whereas the principal allegation of causing injury by means of a knife has been attributed to the co-accused persons, case of the present applicant



is distinguished from the case of the main accused and applicant is in jail since 09.12.2025, therefore, I am inclined to grant bail to the applicant.

7. Accordingly, the instant bail application of the applicant is **allowed**. Let the **Applicant – Wasim Khan**, involved in Crime No.252/2025 registered at Police Station – Kabir Nagar, District – Raipur (C.G.) for the offence punishable under Sections 109, 3(5) on BNS, 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 their counsel. In case of their 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



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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**

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