



2026:CGHC:21411

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 4241 of 2026**

Upendra Sahu S/o-Madan Lal Sahu Aged About 21 Years R/o- Village-Dutkaiya, Khapri, Police Station Rajim, District- Gariyabandh, Chhattisgarh.

**... Applicant****versus**

State of Chhattisgarh Through The Station House Officer, Police Station Rajim District- Gariyabandh Chhattisgarh.

**... Non-applicant**

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For Applicant : Mr. Siddharth Pandey, Advocate.

For Non-Applicant/State : Ms. Smriti Shrivastava, Panel Lawyer.

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

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 applicant who has been arrested in connection with Crime No. 31/2026 registered at Police Station – Rajim, District – Gariabandh (C.G.), for the offence punishable under Sections 296, 115(2), 351(3), 332(b), 332(c), 109(1), 190, 191(2), 191(3) and 326(g) of the Bhartiya Nyaya Sanhita, 2023.
2. As per the prosecution's story, a Dehati Nalishi was lodged by the complainant, namely, Kasmuddin Quraishi @ Raju Khan, on 02.02.2026 at about 13:30 hours, to the effect that he is a matriculation pass and is engaged in the business of property dealing. It was further alleged that



his neighbour, namely, Aarif Khan, had gone to jail for breaking and damaging a Shivaling, and after being released from jail, created a ruckus in the village by assaulting the villagers of Village Dutkaiya and nearby villagers of Village Parsada on the intervening night of 31.01.2026 and 01.02.2026. It was further alleged that, on account of the said ruckus, the villagers became annoyed on 01.02.2026. It has also been alleged that the villagers/victims of the assault and ruckus committed by Aarif Khan surrounded the complainant and his family members, damaged his house, and abused him in filthy language when the complainant and his family members attempted to restrain them. It is also alleged that the villagers, namely, Bhupendra Sahu, Upendra Sahu, Amar Sahu, Bholashankar Sahu, Karan Patel, and all other residents of Village Dutkaiya (Khapri), in furtherance of their common intention, committed marpeet with the complainant and caused injuries by means of knives, rods, and sticks, and further set ablaze the articles kept in the house as well as the vehicles. It was further alleged that the neighbours of the complainant, namely, Anwar Khan and Balla @ Amjad Khan, were also assaulted by the miscreants, and their houses as well as vehicles were also set ablaze. It was also alleged that the accused persons, namely, Bhupendra Sahu, Upendra Sahu, Amar Singh Sahu, Bholashankar Sahu, Karan Patel, and other persons assaulted the complainant using iron rods and bricks, which caused injuries to the police personnel who were escorting the complainant and other victims from the place of incident. On the basis of the aforesaid allegations, an FIR bearing Crime No. 31/2026 for the offences punishable under Sections 296, 115(2), 351(3), 332(b), 332(c), 109(1), 190, 191(2), 191(3), and 326(g) of the B.N.S. was registered.

3. Learned counsel for the applicant submits that the applicant has been



falsely implicated in this case. He submits that the applicant was arrested on 03.02.2026, and the charge-sheet was filed on 07.04.2026. The conclusion of the trial is likely to take a considerable amount of time as there are 81 cited prosecution witnesses, and till date, charges have not yet been framed against the accused persons, including the present applicant. He also submits that the applicant is a student pursuing B.Sc. (Bachelor of Science), bearing Enrollment No. 2502A0100607, for the academic session 2025–28 at ISBM University situated at Village Nawapara (Kosmi), Block and Tehsil Chhura, District Gariyabandh, Chhattisgarh. A bona fide certificate dated 21.04.2026 has been issued in favour of the applicant by the Registrar of ISBM University. It is further submitted that the applicant has passed the First Semester of B.Sc. in the examination conducted by ISBM University in December 2025, and a statement of marks has also been issued in this regard. It is pertinent to mention here that, on 15.04.2026, the Comptroller of Examination, ISBM University, issued a notification regarding submission of the Even Semester/ATKT Examination Form for May–June 2026 examinations. The said notification dated 15.04.2026 issued by the University Administration stipulates that the commencement of examination form submission shall be from 15.04.2026 and the last date for submission of the examination form shall be 30.04.2026. However, the last date for submission of the examination form with late fee is 09.05.2026. Since the applicant is a regular student pursuing B.Sc. at ISBM University, his continued incarceration would seriously and adversely affect his further studies. He also submits that the complainant, namely, Kasmuddin Qureshi @ Raju Khan, has not levelled any allegation against the present applicant in his police statement. The name of the present applicant does not find mention in the FIR, and therefore, the police have falsely



implicated the applicant in the present crime. He submits that the applicant has no criminal antecedents and he is in jail since 03.02.2026, conclusion of the trial may take some time, therefore, he prays for grant of regular bail to the applicant.

4. On the other hand, the learned State Counsel opposes the bail application of the present applicant and submits that the applicant is involved in a serious offence wherein, along with other co-accused persons, he participated in an unlawful assembly, assaulted the complainant, his family members, and police personnel with deadly weapons, caused injuries, and set houses and vehicles on fire. Considering the grave nature of the allegations, the applicant's active participation in the offence, and the seriousness of the incident, the applicant is not entitled to the grant of regular bail, and therefore, the bail application deserves to be rejected.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the aforesaid facts and circumstances of the case, particularly the serious and grave nature of the allegations against the applicant, his active participation in the unlawful assembly, assault on the complainant, his family members, and police personnel, as well as the allegations of arson and destruction of property, this Court is not inclined to extend the benefit of regular bail to the applicant. Therefore, looking to the gravity of the offence and the manner in which it was allegedly committed, the bail application filed by the applicant deserves to be and is hereby rejected.
7. However, considering the fact that the applicant is a regular student of B.Sc. from ISBM University and in order to safeguard his academic interest, the concerned Jail Superintendent is directed to make



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necessary arrangements for facilitating the submission of the applicant's Semester/ATKT examination form from jail, if he so desires, within the prescribed time limit in accordance with the rules and regulations of the University.

8. Accordingly, the first bail application of the applicant – **Upendra Sahu**, involved in Crime No. 31/2026 registered at Police Station – Rajim, District – Gariabandh (C.G.), for the offence punishable under Sections 296, 115(2), 351(3), 332(b), 332(c), 109(1), 190, 191(2), 191(3) and 326(g) of the Bhartiya Nyaya Sanhita, 2023, is **rejected**.
9. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
10. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

**Sd/-  
(Ramesh Sinha)  
Chief Justice**

**Abhishek**