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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 4283 of 2026**

1 - Manoj Kumar Yadav S/o Late Suresh Yadav Aged About 39 Years
R/o Village Dutkaiya (Khapri), P.S. Rajim, Distt. Gariabandh,
Chhattisgarh.

2 - Kiran Yadav S/o Bisambhar Yadav Aged About 31 Years R/o Village
Dutkaiya (Khapri), P.S. Rajim, Distt. Gariabandh, Chhattisgarh.

3 - Dagge @ Dageshwar Yadav S/o Late Ramesh Yadav Aged About 28
Years R/o Village Dutkaiya (Khapri), P.S. Rajim, Distt. Gariabandh,
Chhattisgarh.

4 - Rakesh Kumar Sahu S/o Bharatlal Sahu Aged About 31 Years R/o
Village Dutkaiya (Khapri), P.S. Rajim, Distt. Gariabandh, Chhattisgarh.

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

State Of Chhattisgarh Through The Station House Officer, P.S. Rajim,
Distt. Gariabandh, Chhattisgarh.

... Non-Applicant(s)

For Applicants : Mr. Siddharth Pandey, Advocate.

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

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



08.05.2026

- 1 The applicants have preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No.31/2026, registered at Police Station – Rajim, District-Gariaband (C.G.) for the offence punishable under Sections 296, 115(2), 351(3), 332(b), 332(c), 109(1), 190, 191(2), 191(3), 326(g), 238, 117(2), 118(2) of BNS.

- 2 The case of the prosecution, in brief, is that 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, was sent to jail for breaking and damaging a Shivaling, and after being released from jail, he 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 caused 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 was further alleged that the villagers, namely, Bhupendra Sahu, Upendra Sahu, Amar Sahu, Bholashankar Sahu, Karan Patel, and other residents of Village Dutkaiya (Khapri), in



furtherance of their common intention, committed marpeet with the complainant and caused injuries by means of knife, rod, and stick, and also 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 that their houses and vehicles were also set on fire. It was also alleged that the accused persons, namely, Bhupendra Sahu, Upendra Sahu, Amar Singh Sahu, Bhola Shankar Sahu, Karan Patel, and other persons assaulted the complainant by using iron rods and bricks, which caused injuries to the police personnel who were escorting the complainant and other victims from the place of occurrence. On the basis of the aforesaid allegations, an FIR bearing Crime No. 31/2026 was registered 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. A copy of the FIR bearing Crime No. 31/2026 is marked and annexed herewith as ANNEXURE A/2. That, after completion of the investigation, the charge-sheet was filed on 07.04.2026 against 22 accused persons, whereas 8 accused persons are still absconding and have not yet been apprehended by the police.

It is pertinent to mention here that the complainant in the present case, namely, Kasmuddin Quraishi @ Raju Khan, has a nephew, namely, Aarif Khan. Earlier, an FIR had been registered against Aarif Khan and his associates for damaging and breaking the Shivaling. The said Aarif Khan, along with his associates, after being released on bail in the said crime, committed marpeet with



various persons and caused injuries to them on the allegation that he had been sent to jail by Hindus for breaking and damaging the Shivaling. It is pertinent to mention here that, for the aforesaid acts, three different crime numbers were registered against Aarif Khan and his associates at Police Station Rajim, District Gariyabandh, Chhattisgarh, bearing Crime No. 01/2026 dated 01.02.2026 [for offences punishable under Sections 115(2), 296, 3(5), and 351(3) of the BNS], Crime No. 25/2026 dated 01.02.2026 [for offences punishable under Sections 115(2), 126(2), 296, 3(5), and 351(3)], and Crime No. 26/2026 dated 01.02.2026 [for offences punishable under Sections 331(2), 309(6), 296, 115(2), 351(3), and 3(5)]. It is further pertinent to mention that the entire incident is attributable to Aarif Khan, on account of whose actions the alleged incident took place. Aarif Khan initially created a ruckus in the concerned village and thereafter committed marpeet and caused injuries to the residents of the village. Being aggrieved and provoked by the aforesaid actions of Aarif Khan, the alleged incident subsequently took place, which is also evident from the contents of the FIR lodged by the complainant himself.

- 3 Learned counsel for the applicants submits that the applicants are innocent villagers and have falsely been implicated in the present case by the police. It is further submitted that the applicants were arrested on 01.04.2026 and the charge-sheet has already been filed on 07.04.2026, therefore, their further custodial interrogation is not required. It is also submitted that the conclusion of the trial is likely to take considerable time inasmuch as there are as many as 81



prosecution witnesses cited in the charge-sheet and, till date, charges have not yet been framed against the accused persons. He further submits that prima facie no offence under the aforesaid sections is made out against the present applicants and that the complainant, namely, Kasmuddin Qureshi @ Raju Khan, has not levelled any specific allegation against the applicants in his police statement. It is further submitted that the police have allegedly seized only one steel pipe from applicant No.1 and bamboo sticks from applicants No.2 to 4. He also submits that the entire incident is attributable to Aarif Khan, who initially created a ruckus in the concerned village and thereafter committed marpeet and caused injuries to the residents of the village, due to which the alleged incident subsequently took place, as is also evident from the contents of the FIR lodged by the complainant himself. It is further submitted that the applicants are young men and their prolonged detention would seriously prejudice their career, reputation, and future prospects. Lastly, it is submitted that continued incarceration of the applicants would cause undue hardship to their respective families, especially when the investigation has already been completed and the charge-sheet has been filed before the competent Court further the applicant No.2 has only one criminal antecedents as explained the bail application and rest applicants have no criminal antecedents. Accordingly, he prays for grant of bail.

- 4 Learned counsel for the applicant further submit that the memorandum statement of the present applicant was recorded in



crime in questions as per which he helped the accused persons to get account of one Karan Sindhi but neither the account was seized nor any other thing was seized from the present applicant which shows that the present applicant has been falsely implicated in crime in question. He also submits that some of the other co-accused persons have been granted bail by this Court on the ground of nature and gravity of allegation and the fact that the applicant's documents have been fraudulently used by prosecution, he has no knowledge about the case and he has not gained single pie from anyone and detention period of the accused in MCRC No. 2118, 3774, 3966, 4071, 4103, 4137, 4148, 4182, 4039 of 2025 vide orders dated 08.05.2025, 13.05.2025, 20.05.2025, 27.05.2025, 29.05.2025 and 20.06.2025, therefore, the present applicant is also entitled to be enlarged on bail on the ground of parity and the present applicant is in jail since 11.04.2025 and trial is likely to take quite long time for its conclusion, therefore, he prays for grant of bail.

- 5 On the other hand, learned State counsel opposes the prayer for grant of bail and submits that the bail applications preferred by the co-accused persons, namely, Gulshan Kumar Sahu, Narendra Sahu, Manish Sahu, and Piyush Sahu @ Pintu, have already been rejected by this Court on merits in MCRC No. 4277/2026 vide order dated 07.05.2026. It is further submitted that the bail applications of other co-accused persons, namely, Ishwar Sahu, Amarsingh Sahu, Manoj Kumar Sahu, and Vicky @ Vyanktesh Sahu, have also been rejected by this Court in MCRC No. 4282/2026 vide order dated



07.05.2026. It is further submitted that the case of the present applicants stands on similar footing to that of the aforesaid co-accused persons whose bail applications have already been rejected and therefore, the present applicants are also not entitled to be enlarged on bail.

- 6 I have heard learned counsel for the parties and perused the documents available on record.
- 7 Considering the aforesaid facts and circumstances of the case, particularly the serious and grave nature of the allegations against the applicants, their 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 applicants and also considering the fact that the bail applications preferred by the co-accused persons, namely, Gulshan Kumar Sahu, Narendra Sahu, Manish Sahu, and Piyush Sahu @ Pintu, have already been rejected by this Court on merits in MCRC No. 4277/2026 vide order dated 07.05.2026 and the bail applications of other co-accused persons, namely, Ishwar Sahu, Amarsingh Sahu, Manoj Kumar Sahu, and Vicky @ Vyanktesh Sahu, have also been rejected by this Court in MCRC No. 4282/2026 vide order dated 07.05.2026, further the case of the present applicants stands on similar footing to that of the aforesaid co-accused persons whose bail applications have already been rejected by this Court. Therefore, looking to the gravity of the



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offence and the manner in which it was allegedly committed, I am not inclined to grant bail to the applicants.

- 8 Accordingly, the bail application of the applicants – **Manoj Kumar Yadav, Kiran Yadav, Dagge @ Dageshwar Yadav** and **Rakesh Kumar Sahu**, involved in Crime No.31/2026, registered at Police Station – Rajim, District- Gariaband (C.G.) for the offence punishable under Sections 296, 115(2), 351(3), 332(b), 332(c), 109(1), 190, 191(2), 191(3), 326(g), 238, 117(2), 118(2) of BNS., 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**

Kunal