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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5304 of 2026

Budhman Singh S/o Nansai Aged About 55 Years R/o Village Salka, Out Post Umeshwarpur, Police Station And Tahsil Premnagar, District Surajpur (C.G.)

... **Applicant**

versus

State Of Chhattisgarh Through The Station House Officer, Police Of Out Post Umeshwarpur, Police Station Premnagar, District Surajpur (C.G.)

... **Respondent**

For Applicant	:	Mr. Anil Kumar Gulati, Advocate
For Respondent-State	:	Mr. Atanu Gosh, Dy. Govt. Advocate

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

18.06.2026

1. Applicant has filed this **Second Bail** application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail as he has been arrested in connection with Crime No. 62/2024 registered at Police Station – Out Post Umeshwarpur, Police Station Premnagar, District Surajpur, Chhattisgarh for offence punishable under Section 302 of Indian Penal Code. First bail application of the present applicant was dismissed on merits vide order dated 04.09.2025 in MCRC No. 7054/2025.



2. Case of prosecution in brief is that, on 02.06.2024 applicant has given blow on the head of deceased by means of axe. Deceased was taken to hospital where he succumbed to injuries. Merg was reported to concerned Police Station and after inquiry he was arrested on 07.06.2024.
3. Learned counsel for applicant submits that applicant has been falsely implicated in the crime, he has not committed offence as alleged. He further submits that first bail applicant was dismissed considering the extra judicial confession of applicant before Ramdayal Uike (Sarpanch) and seizure of one axe from the possession of applicant. He submits that the witness to the extra judicial confession and seizure witness have now been examined before the learned trial Court and they have not supported the case of prosecution. There are 21 listed witnesses out of which only 09 have been examined by the learned trial Court till date. Applicant is in jail since 07.06.2024 and thereby he has completed more than 02 years of pre-trial detention. Trial is likely to take considerable time to conclude. Hence he may be enlarged on bail.
4. On the other hand, learned counsel for State opposes the submission made by learned counsel for applicant and submits that in the case diary according to material available applicant has made extra judicial confession and blood stained axe has been seized from the possession of applicant, however, upon putting query, learned counsel for the State submits that FSL report is not available in the case diary and further submits that the submission of learned counsel for applicant with regard to witness to the extra judicial confession PW-04 and witness to seizure



memo PW-04 and PW-05 is subject matter of appreciation by the learned trial Court.

5. I have heard learned counsel for the parties and perused the documents enclosed along with the bail application.
6. Taking into consideration the facts and circumstances of the case as also the submission made by learned counsel for the respective parties, without commenting anything on the merits of the case, I am inclined to allow this application.
7. Accordingly, bail application is **allowed**. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-

(a) 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.

(b) The applicant shall remain present before the trial court on each date fixed, either personally or through him counsel. In case of him absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(c) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails 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.



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(d) 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 send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)

JUDGE

Alfiza