



2025:CGHC:50350



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7980 of 2025

Rajesh Kumar Mishra S/o Brijraj Mishra Aged About 51 Years R/o Deepka,
Police Station Deepka, District : Korba, Chhattisgarh

... **Applicant**

versus

State Of Chhattisgarh Through Station House Officer, Police Station
Sarkanda, District : Bilaspur, Chhattisgarh

... **Respondent**

For Applicant	: Mr. Rajeev Shrivastava Senior Advocate with Mr. Sourabh Sahu, Advocate.
For Respondent	: Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

09/10/2025

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No. 1238/2025 registered at Police Station Sarkanda, District - Bilaspur (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-B of Indian Penal Code (for short 'IPC').
2. Case of the prosecution, in brief, is that complainant Arun Kumar Dubey lodged a Written report before the Police, that he purchased the



land bearing Khasra No. 404 admeasuring 7 dismil land from one Ramphal through its Power of Attorney holder Suresh Kumar Mishra on 22/03/1999. which was renumbered as Khasra No.404/4. That, thereafter an objection was filed by Suresh Kumar Mishra and his allies before the Tahsil Office Bilaspur, by preparing forged documents, alleging that the Khasra No. of Arun Kumar Dubey is 429/2, but he has got its name recorded in the Khasra No.404/4. That, relying on the forged documents and objection, the mutation done in favour of Arun Kumar Dubey was cancelled by the Sub Divisional Officer and thereby he was deprived him from the rights over its property.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in offence in question. He further submits that the applicant is an employee of SECL with an unblemished service record and is, in fact, a victim who has been falsely roped into this criminal case. He had lawfully purchased lands bearing Khasra Nos. 404/7 (admeasuring 1215 sq. ft.) and 404/6 (admeasuring 2430 sq. ft.) through registered sale deeds dated 10.08.2007 from Vandana Gupta and Atul Kumar Gupta, had the lands mutated in his name, and was in peaceful possession thereof. In September 2022, the applicant discovered that certain persons were attempting to encroach upon his land and the adjoining road, whereupon he lodged a complaint with the Collector, Bilaspur, on 09.09.2022. Upon inquiry, it was found that the complainant, Arun Kumar Dubey, had sold adjoining land (Khasra No. 404/4) to one Savitri Rathore, who began encroaching upon the applicant's land. After the applicant sought demarcation from revenue authorities, it was revealed that the complainant was illegally using land recorded in his name (Khasra No. 404/4), though the Deputy Registrar's records showed him as the owner of Khasra No. 429/2. Consequently, the applicant filed a complaint before the Tahsildar on



18.06.2024, resulting in a revenue case being registered. Upon verification of the sale deed and documents, the Sub-Divisional Officer (Revenue), Bilaspur, by order dated 19.03.2025, cancelled the mutation in favour of Arun Kumar Dubey. Despite this, the complainant continued encroachment and even constructed a boundary wall, leading to further complaints to the SHO, Sarkanda. In retaliation for the cancellation of his mutation, the complainant maliciously lodged the present FIR against the applicant, which is an abuse of process and pertains purely to a civil dispute. The FIR, registered without preliminary inquiry and in violation of the Supreme Court's ruling in *Lalita Kumari vs. State of U.P.* (2014) 2 SCC 1, alleges offences spanning from 22.03.1999 to 18.06.2024, yet was filed on the very day of the complaint. The complainant, if aggrieved, had appropriate civil remedies, such as filing an appeal or a civil suit. The applicant, having only acted to protect his lawful property rights and having attached certified government documents in support, has been unjustly arrested. Therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State Counsel opposes the bail application and submits that the charge-sheet has not been filed in the present case. She further submits that the applicant in collusion with co-accused Manoj Kumar Dubey, Rajesh Kumar Mishra, and Sanjay Kumar Srivastava, allegedly filed a false objection before the Tehsil office by relying on a tampered certified copy of the sale deed, in which Khasra No. 429/2 was fraudulently mentioned instead of the original Khasra No. 404/4. On the basis of this objection, the name of the complainant was deleted from the revenue records, thereby causing wrongful loss to the complainant and wrongful gain to the accused persons. She also submits that the said act was done knowingly and dishonestly, with the intention to grab the land in question, therefore, he



is not entitled for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of offence, period of detention of the applicant since 06.09.2025, the fact that though the applicant along with others, allegedly filed an objection before the revenue court based on a tampered certified copy of the sale deed, which mentioned an incorrect Khasra number and on this basis of that the complainant's name was deleted from the revenue records by supporting the alleged fraudulent claim over the land and charge-sheet has not been filed in the present case, but considering the fact that the dispute is civil in nature, the applicant was the purchaser of the land in dispute and he has no criminal antecedent, as such, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Let the Applicant - **Rajesh Kumar Mishra**, involved in Crime No. 1238/2025 registered at Police Station Sarkanda, District - Bilaspur (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-B of Indian Penal Code, be released on bail on his furnishing a **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 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.

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

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE