



2026:CGHC:3674

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 10352 of 2025**

Akash Paswan S/o Shatruhan Paswan Aged About 19 Years R/o Bihari Mohalla, Near Sonkar Badi, Village- Jarvay, Police Station- Kabirnagar, District Raipur C.G. **... Applicant**

versus

State Of Chhattisgarh Through Station House Officer, Police Station- Rakhi, District Raipur C.G. **... Respondent**

For Applicant	: Mr. Mayank Chandrakar, Advocate.
For Non-applicant/State	: Ms. Ankita Shukla, Panel Lawyer.

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

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21.01.2026

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.91/2025 registered at Police Station – Rakhi District - Raipur (C.G.) for the offences punishable under Sections 126, 324, 309(4), 309(6), 310(2) of the BNS 2023 and Section 25 of the Arms Act.

- 2.** Case of the prosecution in brief is that, the complainant Mukesh Sahu lodged a report stating that on 09.06.2025, while he was driving a Hyva truck bearing registration MH-53-V-9023 from Mandir Hasand to Crusher Plant via Village Bendri, Nawa Raipur Road, with companions Vishnu Prajapati, Abhishek Yadav, and Krishna Kumar Yadav, a white Scorpio vehicle bearing registration CG-04-PF-5907 overtook their truck near Sector-24, Nawa Raipur, and five boys alighted, broke the truck's windshield, forcibly opened the door, placed a knife on the complainant's neck, and looted cash, mobile phones, and Aadhaar cards from him and his companions, while assaulting and abusing them; as a result, the complainant sustained injuries on his head and neck, Vishnu Prajapati on his hand, and Krishna Kumar Yadav on his nose and lips. Based on the complaint, a case was registered, statements of the complainant and victims were recorded, and medical reports obtained from Rawatpura Sarkar Hospital; as the incident involved robbery and assault, Section 309(6) of the Bharatiya Nyaya Sanhita, 2023 was added, and the crime scene was inspected with a site map prepared. Using the Scorpio's registration, the accused and vehicle were traced, brought to the police station, and during interrogation, they confessed to the offence, leading to seizures, including a knife, and Section 25 of the Arms Act being added. After completing the investigation, a charge-sheet was filed against the accused.
- 3.** The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case, having committed no offence. He has been in judicial custody since 11.06.2025, i.e., for more than five and a half months, whereas the

maximum punishments prescribed under the relevant sections of the Bharatiya Nyaya Sanhita, 2023 and the Arms Act range from three months to ten years, meaning he has already undergone a substantial part of the possible sentence in the non-heinous sections, and further detention would violate his right to speedy justice under Article 21 of the Constitution. The charge-sheet was filed on or before 17.10.2025, and the matter is pending for framing of charges before the learned 4th Additional Sessions Judge, Raipur, with no further purpose served by keeping the applicant in custody, particularly when none of the seized articles were recovered at his instance and the memorandum and seizure relate only to the co-accused. One co-accused, Sonu Patel, has already been granted regular bail by this Hon'ble Court, and the role attributed to the applicant is identical, as all five accused acted in a group, with no specific overt act or use of knife or firearm individually attributed to him, and the medical reports show only minor injuries caused by a "chooda" and fist blows, supporting entitlement to parity-based bail (Annexure A-3). The applicant is a 19-year-old young man, permanent resident of Village Jarvay, P.S. Kabirnagar, District Raipur, with no prior criminal antecedents, and is the sole breadwinner of his family; prolonged incarceration is causing extreme hardship and violating his rights to life and livelihood under Article 21. The trial is likely to take considerable time, as several witnesses and seizure witnesses are yet to be examined, and keeping the applicant in jail during this period would amount to pre-trial punishment. The applicant undertakes to abide by all conditions imposed by this Hon'ble Court, therefore, he prays for grant of regular bail.

- 4.** On the other hand, learned counsel for the State, opposes the bail

application of the applicant.

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, the nature and gravity of the allegations levelled against the present applicant, and the fact that the co-accused, namely Sonu Patel, has already been granted bail vide order dated 04.11.2025 passed in MCRC No. 8745 of 2025, and further considering that the charge-sheet has already been filed before the competent Court, that the applicant have been in judicial custody since 11.06.2025, and that the conclusion of the trial is likely to take considerable time, this Court is of the view that the applicant is entitled to be released on bail in the present case.
7. Let applicant, **Akash Paswan**, involved in Crime No.91/2025 registered at Police Station – Rakhi District - Raipur (C.G.) for the offences punishable under Sections 126, 324, 309(4), 309(6), 310(2) of the BNS 2023 and Section 25 of the Arms Act, 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 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 provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE