



2026:CGHC:4246



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10524 of 2025

1 - Heeralal Nishad S/o Late Nihali Nishad Aged About 40 Years R/o Village- Limha, P.S. Mungeli District- Mungeli, Chhattisgarh.

2 - Devcharan @ Suraj Nishad S/o Heeralal Nishad Aged About 23 Years R/o Village- Limha, P.S. Mungeli District- Mungeli, Chhattisgarh.

... Applicants.

versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Mungeli, District- Mungeli, Chhattisgarh.

... Respondent(s)

For Applicants : Mr. Ashok Dixit, Advocate

For Respondent(s) : Mr. Rishi Raj Pithawan, Dy. GA

Hon'ble Shri Justice Arvind Kumar Verma, Judge

Order on Board

23/01/2026

1. This is the **first** bail application filed under Section 483 of the BNSS, 2023 for grant of regular bail to the applicants who have been arrested on 27.11.2023 in connection with **Crime No. 492/2023** registered at Police Station- Mungeli, District- Mungeli (C.G.) for the offence punishable under Section 147, 148, 149, 323, 294, 302/34 of IPC.



2. The prosecution story, in brief, is that on 26.11.2023 the complainant -Pardeshni lodged a Dehati Nalsi at police station- City Kotwali Mungeli stating that about 2-3 years ago, the accused Hiralal Nishad, who lives in the neighbourhood, suspected that his daughter Sarojini was in a love relationship with her son Manohar, due to which, there was a dispute between the two families. During the same period, the accused Hiralal Nishad's daughter Sarojini died after being burnt by fire, and since then, Hiralal Nishad and his family members harbored enmity towards them. In continuation of the same, at about 8:00 PM, the accused Hiralal along with his son Suraj Nishad, came in front of their house, used filthy language by taking their names, said things like "because of you people our daughter died," etc, and were abusing. Then her husband Bhagwat Nishad came out of the house and forbid the accused Hiralal Nishad and others from abusing, upon which, the accused Hiralal along with his son Suraj Nishad, started beating her husband. Upon hearing the commotion, she along with her son Manohar, daughter Radhika and daughter-in-law Rika, came out. When son Manohar went to intervene, Suraj started beating him with a stick. Meanwhile, the accused Hiralal Nishad, his wife Gangotri Bai and their three daughters also arrived there. Then Gangotri, along with her daughters, started beating her daughter Radhika and daughter-in-law Rika who had gone to intervene. In the meantime, the accused Hiralal picked up a stone lying in the land and, saying "today I will not leave you alive," hit her husband



on the head from behind, due to which her husband fell to the ground after being injured. Then the accused Hiralal started throttling her husband's neck, which they managed to free. After that, the accused along with their family members, fled saying "today we are leaving you people, but next time we will finish you all including your family." Then they called 108 ambulance and took their husband and son-daughter to the district hospital, where after examination, her husband was found to have died. On the complainant's report, Dehati Nalsi No. 0/2023 was registered at Police Station- City Kotwali, Mungeli against the present applicants and other accused persons under Sections 147, 148, 302, 294, 323, 506-B of IPCV and investigation was initiated. During course of investigation, the dead body was sent for post mortem where the doctor has opined that the cause of death is due to head injury, homicidal in nature.

3. Learned counsel for the applicants contended that applicants are innocent, they have been implicated in the alleged crime only on account of previous dispute/enmity and on the basis of memorandum statement. Applicants never assaulted the deceased/victim nor abused them in any manner. There is no evidence/material to connect the applicants in the alleged crime. Material/seizure witnesses have not supported the case of prosecution and they turned hostile. Co-accused Gangotri Bai has already been enlarged on bail by this Court. Applicants are in jail



since 27.11.2023, charge-sheet has been filed, conclusion of trial may take time, hence, applicants may be released on bail.

4. Learned State Counsel opposes the bail application of the applicants.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering facts of the case, nature and seriousness of allegation, submissions of counsel for the parties, the fact that in the alleged dispute/fight, one person has died and others are injured, there is sufficient evidence/material available in the case diary against the applicants, further considering the evidence of injured and other prosecution witnesses, this Court is not inclined to allow the bail application and released the applicants on bail.
7. Accordingly, bail application is hereby rejected. However, looking to the detention period of the applicants, trial Court is directed to conclude the trial within a period of six months, if there is no any legal impediment.
8. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance forthwith.

CC as per rules.

Sd/-
(Arvind Kumar Verma)
JUDGE

J.