



2026:CGHC:3669



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No.10458 of 2025**

Durgesh Kumar Yadav S/o Komal Singh, Aged About 27 Years R/o
Kamalnarayan Chowk Charoda, Tahsil Patan, Police Station Bhilai-
3, District Durg (C.G.) **... Applicant**

versus

State Of Chhattisgarh Through Station House Officer, Police
Station Purani Bhilai, District Durg (C.G.) **... Non-applicant**

For Applicants : Mr. BP Sharma and Mr. ML Sakat,
Advocates.

For Non-applicant/State : Mr. Priyanka Rathi, G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****21.01.2026**

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 he has been arrested in connection with Crime No.394/2025 registered at Police Station Purani Bhilai, District - Durg (C.G.), for the offence under Sections 109, 296, 351(3), 115(2), 308(4) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS, 2023)

2. The case of the prosecution is that on 15.10. 2025 at about 10:10 pm, complainant Hemraj Sahu was sitting and talking with his companions Pawan Nishad, Harsh Vardhan Patel, Daneshwar Patel and Rajendra Nath Jogi at Pani Tanki Narayani Bhawan. After conversation, Rajendra Nath Jogi left first to go home. When the complainant Hemraj Sahu also exited the building to go home, he saw Bhawani Shankar Tiwari demanding extortion money from Rajendra Jogi, which Rajendra Jogi was refusing. As the complainant Hemraj Sahu stepped forward to proceed home, Bhawani Shankar grabbed his collar and pulled him saying, "I will have you killed, you act too much like a hero, we won't spare you people today, we will finish you off." Suddenly, Kalu Thakur came from behind and inflicted a life- threatening injury by hitting Hemraj on the head with a thick stick. After this, Bhawani Shankar continuously beat him with a stick. At the same time, Nanu Tiwari and Durgesh Kumar Yadav also assaulted him with



hands, fists and kicks. When Rajendra Nath Jogi and Pawan Nishad intervened, they were also assaulted by the accused. The assault resulted in a serious head injury to complainant Hemraj Sahu. Based on complainant's report, a case was registered on 16.10.2025 at Police Station Purani Bhilai against Bhawani Shankar Tiwari, Kalu Thakur, Nanu Tiwari and the present applicant Durgesh Kumar Yadav under Crime No. 394/2025, involving sections 109, 296, 351(3), 115(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023. The investigation was taken up and the applicant/accused Durgesh Kumar Yadav was arrested on 16.10.2025. Since the investigation revealed that the assault occurred over the issue of extortion, Section 308(4) of Bharatiya Nyaya Sanhita, 2023 was added. After the completion of the entire investigation, the charge-sheet was filed before the learned Judicial Magistrate First Class, Bhiali-3, District Durg (C.G.) on 28.11.2025 against the present applicant and the other 03 accused persons under sections 109, 296, 351(3), 115(2), 308(4), 3(5) of the Bharatiya Nyaya Sanhita, 2023. Hence, this application.

3. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in the aforesaid case. He further submits that the role attributed to the applicant in the alleged incident is minimum and



secondary in nature, as per the prosecution story, the primary assault causing the serious head injury to the complainant was inflicted by co-accused Kalu Thakur using a thick stick, while Bhawani Shankar Tiwari also used a stick, the applicant is alleged to have only assaulted with hands, fists and kicks without any weapon, and there is no allegation that he caused any grievous or life-threatening injury. He further submits that the applicant is a young man of 27 years with no criminal antecedents and is in jail since 16.10.2025, therefore, he may be granted bail.

4. On the other hand, learned State Counsel opposes the bail application and submits that the charge-sheet has been filed in the present case and since the investigation revealed that the assault occurred over the issue of extortion wherein, the complainant sustained head injury, therefore, the applicant is not entitled for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the overall facts and circumstances of the case, the nature and gravity of the allegations, further considering that the primary assault causing the serious head injury to the complainant was inflicted by co-accused Kalu Thakur and that the applicant is in jail since 16.10.2025 and charge sheet



has been filed, without further commenting anything on merits and considering that the conclusion of the trial is likely to take considerable time, this Court is of the considered view that the applicant has made out a fit case for grant of bail. Accordingly, the bail application is **allowed** and the applicant is directed to be released on bail.

7. Let applicant, **Durgesh Kumar Yadav**, involved in connection with Crime No.394/2025 registered at Police Station - Purani Bhilai, District - Durg (C.G.), for the offence under Sections 109, 296, 351(3), 115(2), 308(4) and 3(5) of of the BNS 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 concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice

Priya