

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 737 of 2015**

Vikas Kumar Sahu S/o Shri Devki Nandan Sahu Aged About 30 Years R/o Mudapar, Korba, Chowki - Manikpur, P.S. - Kotwali, Korba, Tahsil, Civil & Revenue District - Korba (Chhattisgarh).

---- Applicant

**Versus**

State Of Chhattisgarh Through : P.S. - Kotwali, Chowki Manikpur, District - Korba (Chhattisgarh).

---- Respondent

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|----------------------|---|--------------------------------------|
| For Applicant        | : | Shri Sushobhit Singh, Advocate       |
| For Respondent/State | : | Ms. Shubha Shrivastava, Panel Lawyer |

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**Order On Board****17/08/2015**

Heard.

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.9/2015, registered in Police Station- Kotwali, District- Korba, for alleged commission of offence under Sections 506 & 307 IPC.
2. Case of the prosecution, in brief, is that the the applicant assaulted victim-Rita Manjhi with the help of knife resulting in grievous injury.
3. Learned counsel for the applicant submits that the applicant is suffering from depression and is under treatment of Psychiatrist and Neurologist. In a fit, the incident might have happened and there was no *mens rea*. Therefore, no prima facie case is made out and the applicant may be granted anticipatory bail so that he may get himself treated.
4. On the other hand, learned counsel for the State submits that in view of the statement of injured, it is prima facie made out that the applicant assaulted with knife resulting in injury on the complainant, which makes out a prima facie case of commission of offence under Section 307 of the IPC.
5. Taking into consideration the submissions made by learned counsel for the parties, the statement of the victim and the injury report, I am not inclined to grant anticipatory

bail to the applicant.

6. The application is accordingly rejected.

**Sd/-**  
**(Manindra Mohan Shrivastava)**  
**Judge**

Praveen