

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2246 of 2016

1. Maharaj Singh S/o Ramdhani Singh Aged About 44 Years R/o Chhattarpur, P.S. - Ramanujanj District - Balrampur - Ramanujanj Chhattisgarh Civil District - Surguja, Revenue District Balrampur Chhattisgarh.
2. Dubraj Singh S/o Ramdhani Singh Aged About 45 Years R/o Chhattarpur, P.S. - Ramanujanj District - Balrampur - Ramanujanj Chhattisgarh Civil District - Surguja, Revenue District Balrampur Chhattisgarh.
3. Ramdas Singh (Wrongly Mentioned As Ramdasas Singh) S/o Ramdhani Singh Aged About 39 Years R/o Chhattarpur, P.S. - Ramanujanj District - Balrampur - Ramanujanj Chhattisgarh Civil District - Surguja, Revenue District Balrampur Chhattisgarh.
4. Amar Singh S/o Dubraj Singh Aged About 25 Years R/o Chhattarpur, P.S. - Ramanujanj District - Balrampur - Ramanujanj Chhattisgarh Civil District - Surguja, Revenue District Balrampur Chhattisgarh.
5. Baijnath Singh S/o Shivbhajan Singh Aged About 37 Years R/o Chhattarpur, P.S. - Ramanujanj District - Balrampur - Ramanujanj Chhattisgarh Civil District - Surguja, Revenue District Balrampur Chhattisgarh.
6. Shivkumar Singh S/o Surajdev Singh Aged About 26 Years R/o Chhattarpur, P.S. - Ramanujanj District - Balrampur - Ramanujanj Chhattisgarh Civil District - Surguja, Revenue District Balrampur Chhattisgarh. ... **Petitioners**

Versus

- The State of Chhattisgarh Through S. H. O. Police Station - Ramanujanj District - Balrampur - Ramanujanj, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. A. K. Prasad, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.05.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 98 of 2015 registered at P.S. Out-Post Vijaynagar, Police Station

Ramanujganj, Distt. Balrampur-Ramanujganj (C.G) for the offence punishable under Sections 147, 148, 149, 294, 323, 325 & 207 IPC. The first bail application was dismissed on 30.11.2015.

2. The prosecution case, in brief, is that on 15.07.2015 the applicants armed with lathi, Danda and Gandasa came to the place of incident and assaulted the victim/complainants whereby five persons have sustained injuries. Subsequently, a report was made against this applicants and on the basis of the said report, the offence punishable u/ss 147, 148, 149, 294, 323, 325 & 307 IPC was registered against the applicants.
3. Learned counsel for the applicants submits that on a dispute over the land, a free fight took place between the parties on 15.07.2015 and the applicant party and complainant party made report and counter report against each other and on the report of applicants, offence u/s 307 IPC was registered against the complainants and they have been granted regular bail by the trial Court. He further submits that the fractures were caused to two injured namely Girija Vishwakarma and Sanjay Vishwakarma on right hand and and the right thumb respectively. It is further submitted that charge sheet in this case has been filed; the investigation has been completed and the applicants are already in jail since 27.09.2015, therefore, at this stage, they may be enlarged on regular bail.
4. Per contra, learned State Counsel opposes the bail application and submits that as per the charge sheet Girija Vishwakarma sustained fracture on right hand and Sanjay Vishwakarma sustained fracture on thumb and the injuries were stated to be grievous in nature whereas the other

injured Ram Janam, Foolmati Bai and Ashok Vishwakarma sustained simple injuries.

5. Perusal of crime number of counter case also shows that on report of this applicants offence u/s 307 IPC was registered against the complainant party. Considering the free fight took place between both the parties and the cases were registered against each of them as also the fact that complainants who were booked u/s 307 IPC have been enlarged on bail by the trial Court and that the charge sheet in this case has been filed and the applicants are stated to be in jail since 27.09.2015, I am inclined to allow this bail application.
6. Accordingly, this application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They are directed to appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**