

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2538 of 2016

1. Bittu Bajpai s/o Dinesh Bajpai Aged About 19 Years R/O Village Hirmi, Police Station Suhela, District Baloda Bazar Bhatapara, Chhattisgarh.
2. Raja Masih S/O Sunil Masih Aged About 20 Years R/O Village Hirmi, Police Station Suhela, District Baloda Bazar Bhatapara, Chhattisgarh.
3. Azad Singh S/O Devendra Singh Aged About 21 Years R/O Birdaband, Police Station Uchka, District Gopalganj (Bihar). At Present R/O Village Hirmi, Police Station Suhela, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Suhela, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicants : Mr. A.S. Rajput, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 18-03-2016 in connection with Crime No. 36 of 2016 registered at Police Station Suhela, District Balodabazar-Bhatapara (CG) for the offence punishable under Sections 294 and 307/34 of the IPC.
2. As per the prosecution case on 6-3-2016 when the complainant /victim Ranjit Rai was going, on the way present applicants attacked him and entered into altercation with him and thereafter caused stab injury over abdomen of the victim and thereby they committed the aforesaid offence.
3. Learned counsel appearing for the applicants would submit that the applicants did not have any intention to kill the victim. The

injury sustained by the victim was not grievous hurt and he has been discharged from hospital. He would further submit that the charge-sheet has been filed in this case and the applicants are in jail since 18-03-2016, therefore, they may be released on bail.

4. Per contra, learned State counsel opposing the bail application would submit that there is sufficient evidence on record to connect the applicants with the crime in question and the statement of the victim recorded under Section 164 of the Cr.P.C shows that the victim sustained stab wound over abdomen by appellant No.3 Azad Singh.
5. I have heard learned counsel for the parties and perused the case diary and other documents.
6. Taking into consideration the degree of offence and nature of allegations leveled against the applicants and further considering the statement of the complainant/victim in which it has been stated that applicant No.3 Azad Singh has caused stab injury over abdomen of the victim and the role attributed to applicant No.3 Azad Singh, I am not inclined to grant bail to applicant No.3 Azad Singh. Accordingly, the bail application of applicant No.3 Azad Singh is liable to be and is hereby dismissed.
7. So far as bail application of applicants No.1 Bittu Bajpai and No.2 Raja Masih is concerned, I am inclined to release them on bail.
8. Accordingly, the bail application of applicants No. 1 and 2 is allowed and applicants No.1 Bittu Bajpai and No.2 Raja Masih are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju