

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3336 of 2016**

1. Rajnath Minj S/o Kumeshwar Minj, Aged About 35 Years
2. Munnalal Minj, S/o Kumeshwar Minj, Aged About 26 Years
3. Kumeshwar Minj, S/o Ramnath Minj, Aged About 72 Years

All R/o Village Sahanpur P.S. Lundra Distt. Surguja
(Chhattisgarh)

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through : Police Station - Lundra Distt.
Surguja (Chhattisgarh)

---- **Respondent**

For Petitioners	Shri Vineet Kuamr Pandey, Advocate
For Respondent/State	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/07/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.08/2016, registered at Police Station – Lundra, District Surguja (C.G.) for the offence punishable under Sections 302 & 201 read with Section 34 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that on 31-1-2016 at about 9.00 pm when the deceased namely; Rameshwar Behra, came on his vehicle and blew the horn outside the house, his wife namely; Rajani Behra came and opened the door. At that time the accused persons rushed towards the deceased and the applicant No.1 Rajnath Minj assaulted the deceased on his head with the help of axe, as a result of which the deceased fell down and thereafter, the applicants No.2 & 3 assaulted the deceased with hand & fist. Thereby the offence has been committed.
3. Learned counsel for the applicants submits that the applicants have been implicated in the present case on the basis of false allegations. In fact, the main allegation is against the applicant No.1 who assaulted the deceased with the help of axe and no allegation of fatal assault is attributed to the applicants No.2 & 3, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Perusal of the statement of eyewitness Rajni Behra, wife of the deceased, it is

manifest that all the accused persons have chased the deceased and one of them assaulted the deceased with the help of axe and the other accused persons assaulted the deceased with the help of hand & fist, therefore, I am not inclined to release the applicants on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge

Gowri