

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 551 of 2016**

- Vijay Kumar Jat, S/o Kartar Singh Jaat, aged 27 years, R/o Village Pillani, Police Station Jhajjar, Haryana

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, P.S. Premnagar, Distt. Surajpur (C.G.)

---- Non-applicant**MCRC No. 1814 of 2016**

- Om Prakash, S/o Shri Madu Singh, aged about 45 years, R/o Village – Chimni, P.S. And Tahsil – Beri District Jhajjar (Haryana), Civil and Revenue District - Jhajjar

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, P.S. Premnagar, Distt. Surajpur (C.G.)

---- Non-applicant**MCRC No. 1547 of 2016**

- Nazir Khan, S/o. Mustak Khan, aged about 29 years, R/o. Village- Toko Para, Sitapur, Police Station & Tahsil – Sitapur, District Surguja (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, P.S. Premnagar, Distt. Surajpur (C.G.)

---- Non-applicant

For Applicant

Mr. A.K. Prasad, Advocate in M.Cr.C.
Nos. 1547/2016 & 1814/2016

For Applicant:

Mr. Shakti Raj Sinha, Advocate in
M.Cr.C. No. 551/2016.

For Respondent/State: Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

12/04/2016

Heard.

(1) Above mentioned three bail applications filed under Section 439 of the Cr.P.C. arise out of a common Crime No.117/2015, registered at Police Station Premnagar, District Surajpur for the offence punishable under Sections 302, 394, 397, 201, 412, 414 & 120-B/34 of the Indian Penal Code, therefore, they are being heard analogously and decided by this Common Order.

(2) Case of the prosecution, in brief, is that in the intervening night of 26-27/09/201, co-accused persons namely Anil Yadav @ Hari Narayan and Patuul @ Abdul Majid committed murder of driver & cleaner of Tractor No. CG-12-S 4823 namely Bodhan Prasad and Nilesh Kumar and have thrown the dead body in the Kataroli Jungle, they further looted the Tractor and took the Tractor to the Jhajhar in the State of Haryana and have sold it. Later on, the owner of the Tractor came to know about the location of the Tractor at Haryana from the GPS system and thereby committed the aforesaid offences.

(3) Counsel for the applicants submits that the offence of murder and dacoity is said to have been committed by Anil Yadav @ Hari Narayan and Patul @ Abul Mazid. They would further submit that against the applicants namely Om Prakash & Vijay Kumar Jat only charges under Sections 412, 414 & 120-B have been framed by the trial Court by order dated 10.03.2016

and in which there is no charge of loot and murder against those two persons except against applicant Nazir Khan. They would further submit that they are the bonafide purchaser of the said Tractor and copy of agreement to sell, which is executed between Vijay Kumar Jat, Satbeer & Omprakash, has also been filed before the trial Court along with charge sheet, which goes to show that applicants namely Vijay Kumar Jat & Om Prakash both are the bonafide purchaser of the said Tractor being registration No. H.R. 66/3562, which is change number of C.G.12 S 4823. They would also submit that the applicants are in custody since 9.11.2015; charge sheet has already been filed and as the trial is likely to take some more time for its final disposal, the applicants may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application and would submit that the applicants have purchased the Tractor knowing fully well that the said vehicle is looted property after murder of driver & cleaner of the aforesaid vehicle namely Bodhan Prasad & Nilesh Kumar and they have also not verified the documents of the said vehicle and, therefore, they are not entitled to be released on bail.

(5) So far as applicant **Nazir Khan** is concerned, taking into consideration the facts & circumstances of the case; role of the applicant and the manner in which applicant is said to have committed murder of driver & Cleaner of the said Tractor namely Bodhan Prasad and Nilesh Kumar, I am not inclined to release the applicant on bail. Thus, the bail application of applicant **Nazir Khan** is rejected.

(6) So far as applicants namely **Vijay Kumar Jat & Om Prakash** are concerned, taking into consideration the facts & circumstances of the case; their role in the offence in question as they are said to be the bonafide purchaser of the vehicle after payment of ₹ 6,00,000/- to the owner of the vehicle; further considering their detention period and the fact that trial is likely to take time for its final disposal; this Court is of the view that it is a fit case to release the applicants namely **Vijay Kumar Jat & Om Prakash** on bail. Accordingly, the bail application is allowed.

(7) Accused/applicants – **Vijay Kumar Jat & Om Prakash** are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-