

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7359 of 2015**

Rajgir @ Sani S/o Gopal Singh Gill Aged About 21 Years R/o M I G  
77, Kabir Nagar, Present Vijay Complex Amlidih, P.S. Kabir Nagar,  
Civil & Rev. Distt. Raipur, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station  
Amanaka, Distt. Raipur, Chhattisgarh.

**---- Respondent**

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For applicant -Smt. Indira Tripathi, Advocate.  
For Respondent/State – Shri Neeraj Jain, G.A.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order**

**5/01/2016**

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed vide M.Cr.C. No. 6375/2015 on 26/11/2015 with liberty to revive the same after examination of the complainant.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 91/2015 registered in Police Station Amanaka, Distt. Raipur (C.G.). for offence punishable under section 307, 186, 353, 294, 34 of Indian Penal Code.
3. As per the prosecution case on 4/05/2015 at about 11.15 pm the applicant along with other co-accused persons assaulted the complainant/injured Janak Prasad, Track Man of Railway department and deterred him from performing public duty and caused grievous injuries to him, which was sufficient to cause death.
4. Learned counsel for the applicant submits earlier bail application bearing M.Cr.C. No.6375/2015 was dismissed on 26/11/2015 with liberty to revive after examination of the complainant. Learned counsel read over

statement of the witness Janak Prasad Dhritlahrey and would submit that according to the statement of injured no case is made out against this applicant, therefore, the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. I have perused the statement of the witness Janak Prasad Dhritlahrey wherein prima facie it appears that he has supported case of the prosecution. Taking into such facts, appreciation of the evidence in the cross examination cannot be done while deciding bail application. Therefore, taking into account statement of witness, this court is not inclined to release the applicant on bail.

7. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE