

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2559 of 2016

- Ramkumar S/O Late Jaikaran Aged About 40 Years Caste Kumhar, Occupation Agriculture, R/O Village Maghala, Tahsil Sonhat, District Korea, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Sonhat, Korea, District Korea, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shakti Raj Sinha, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 20-01-2016 in connection with Crime No. 10 of 2016, registered at Police Station Sonhat, District Korea (Baikunthpur) (CG) for the offence punishable under Section 307/34 of the IPC.
2. As per case of the prosecution, the applicant and the complainant are real brothers and on 18-01-2016 bulls of complainant and the applicant started fighting and on that reason both brothers altered into altercation in which the applicant assaulted the complainant with an axe and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the dispute arose between both the brothers due to their bulls fighting and there was no intention to kill the complainant and both of them

entered into scuffle in which both were injured and the applicant assaulted the complainant with an axe. He would further submit that both the brothers have settled their dispute from outside the court which is evident from the affidavit filed by the complainant in this bail application, therefore, the present applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration all the facts and circumstances of the case, considering the affidavit of the complainant Shiv Mohan and the fact that the dispute arose between both brothers due to their bulls fighting and further considering the fact that the applicant is in jail since 20-01-2016 and charge-sheet has been filed in this case, I am inclined to grant bail to the applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju