

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3699 of 2016**

1. Rajkumar Sidar S/o Dilip Sidar Aged About 19 Years R/o Purani Basti Kharsiya, Thana & Tahsil - Kharsiya, Civil & Revenue Distt. Raigarh Chhattisgarh.
2. Javed Khan S/o Sammi Khan Aged About 19 Years R/o Purani Basti Kharsiya, Thana & Tahsil - Kharsiya, Civil & Revenue Distt. Raigarh Chhattisgarh.
3. Santkumar @ Billu S/o Shanker Bareth Aged About 21 Years R/o Purani Basti Kharsiya, Thana & Tahsil - Kharsiya, Civil & Revenue Distt. Raigarh Chhattisgarh.
4. Durgesh @ Motu S/o Ganjha Bareth Aged About 19 Years R/o Purani Basti Kharsiya, Thana & Tahsil - Kharsiya, Civil & Revenue Distt. Raigarh Chhattisgarh.
5. Sanjay @ Torri S/o Mahangu Aged About 19 Years R/o Purani Basti Kharsiya, Thana & Tahsil - Kharsiya, Civil & Revenue Distt. Raigarh Chhattisgarh.
6. Bhishamdas @ Chhotedau S/o Amritdas Aged About 20 Years R/o Purani Basti Kharsiya, Thana & Tahsil - Kharsiya, Civil & Revenue Distt. Raigarh Chhattisgarh. ... **Petitioners**

Versus

State of Chhattisgarh S/o through the Station House Officer, Police Station - Kharsiya, Distt. Raigarh Chhattisgarh

----- **Respondent**

For the applicants	:	Mr. Sunil Sahu, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 123/2016 registered at P.S. Kharsiya, Distt. Raigarh (C.G) for the offence punishable under Sections 147, 148, 149, 294, 323, 506-B, 307 of IPC and Section 25/27 of the Arms Act.
2. As per the prosecution case, on 23.03.2016 the applicants

along-with other accused were singing during Holi festival and at that time, complainant Rakesh Navneet along-with his friend Jitendra Bahadur came there and some altercation took place between the two parties. Thereafter, Rakesh and Jitendra Bahadur both of them entered into scuffle with the applicants and during such scuffle the applicants have assaulted Rakesh Navneet and Jitendra Bahaduru whereby Jitendra Bahadur sustained severe injuries which are sufficient to cause death.

3. Learned counsel for the applicants submits that looking the way the offence is committed, there was no intention to commit assault or cause injuries to the complainant and the injured was discharged from hospital after 4 days and the injuries were caused by club and not by any hard and blunt object or any sharp edged weapon. It is also submitted that the charge sheet in this case has been filed and applicants 1 to 3 are in jail since 27.3.2016 and applicants 4 and 5 are in jail since 28.3.2016 whereas applicant No.6 is in jail since 02.05.2016, therefore, looking to the detention of applicants, they may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary statements of complainant and Chandra Bahdur.
6. Considering the facts and circumstances and the background of the case and further taking into the nature of injury which is mainly caused by a club and not by any sharp edged weapon as also the fact that the charge sheet in this case has been filed and looking to the period of detention of the applicants as stated above, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the

applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each 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.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

R a o