

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4722 of 2016

Shakti Kumar Paikra, S/o. Banshidhar Paikra, Aged About 23 Years, R/o. Village Dakaipara, Police Station Patna, Tahsil Baikunthpur, District Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Of Police Station - Patna, District - Korea, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Ms. Shobha Kashyap, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.08.2016

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 in connection with Crime No.21/2016 registered at Police Station- Patna, Distt. Korea (C.G.) for the offence punishable under Section 147, 148, 149, 302, 452, 364 of Indian Penal Code.
2. As per the prosecution case, on 04.02.2016 at about 4:30 a.m., the applicants along with co-accused entered into the house of one Durgesh, thereafter, took him out and assaulted him which resulted into his death.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and no allegation has been attributed to this applicant, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that the similar bail applications i.e. MCRC No.3776 & 3857 of 2016 have been dismissed by this Court on

19.07.2016 and the present bail application is also similar to that case.

5. Perused the case diary, statement of witnesses and medical report. The medical report shows that death was due to haemorrhage due to cardiovascular arrest. Considering the statement of the eye-witnesses Sribai, Chetan Ram & Bhuneshvar and further considering the fact that case of the present applicant is similar to that of the other co-accused whose bail application was dismissed by this Court, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge