

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7249 of 2015

Bhuneshwar Prasad @ Mithun Gupta, S/o. Kamlesh Gupta, Aged About 25 Years, R/o. Vidyut Nagar, Tifra, Police Station Sirgitti, Civil And Revenue Distt. Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Sirgitti, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/01/2016

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.167/2014 registered at Police Station- Sirgitti, District Bilaspur (C.G.) for the offence punishable under Section 147, 148, 302/149, 307/149 of Indian Penal Code and Section 3(2)(5) of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that, in the intervening night between 30.06.2014 and 01.07.2014, in a fight that has taken place between two groups in which two persons namely Vijay Suryavanshi and Baran Laskar were injured and subsequently Vijay Suryavanshi died due to grievous injury. The allegation is that present applicant along with six other assaulted the deceased and Baran Laskar by sharp edged weapon and thereby committed aforesaid offence.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and there is no overt act attributed to this applicant and the entire overt act has been attributed to Navin Nirmalkar, Taran Nirmalkar & Pramod Nirmalkar. He further submits that the applicant is in jail since 27.10.2014, therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that in the FIR this applicant has been named and while assault being made he was present in the scene and was a party to the assembly.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case and further considering the gravity of offence and the fact that the applicant has been named in the FIR, at this stage, I am not inclined to appreciate and evaluate the evidence for grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge