

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5049 of 2016

Hari Prasad S/o Late Darriram, Aged About 45 Years, R/o Village -
Bilaspur, P.S. & Batauli, Distt. Sarguja, Civil & Revenue Distt.
Sarguja Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - Batauli, Distt.
Sarguja Chhattisgarh

---- Respondent

For applicant - Shri M.K. Sinha, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

1/09/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.48/2016 registered in Police Station Batauli, Distt. Sarguja (C.G.) for offence punishable under section 307 of IPC.
2. As per the prosecution case, on 26/06/2016 over a dispute over possession of land while Amit Kumar was cultivating the land with tractor and Hari Prasad the present applicant, Shankar and Ram Kumar were standing nearby which was objected by one Buddnath and by his brother Munnaram. On such altercation Amit Kumar tried to kill Buddnath by driving tractor on him and Munnaram was also assaulted and the applicant used favda (spade) and from the back side assaulted the person.
3. Learned counsel for the applicant submits that in fact they were in possession of the land and the complainant tried to encroach upon such land and the complainant were aggressor and injury of Munnaram were simple in nature and therefore no case is made out under Section 307 of IPC, therefore the applicant may be released on bail.

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

5. Perused the statement of Munnaram wherein he has alleged that the applicant has caused assault by way of a spade. Perused the medical report also which shows that injury to the Munnaram was two abrasions. Taking into such facts collectively and the nature of dispute, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE