

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4991 of 2016

- Shivji Yadav S/o Late Jiut Yadav Aged About 24 Years R/o Village Usaila, Post Usaila, Tahsil Sikandarpur, Thana Pakdi, District Baliya, Uttar Pradesh. Present Address Near Pani Tanki, Civil Line Gariyaband, District Gariyaband, Chhattisgarh.
--- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Gariyaband, District Gariyaband, Chhattisgarh.
--- **Respondent**

For the applicant	:	Mr. Ram Narayan Sahu, Advocate
For the Respondent	:	Mrs. Shobha Kashyap, Dy.Govt.Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.09.2016

1. This is second 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. 115 of 2015 registered at P.S. Gariyaband (C.G) for the offence punishable under Sections 420, 467, 468, 471, 120-B of IPC.
2. The earlier bail application was dismissed on 14.12.2015.
3. As per the prosecution the applicant along with other co-accused namely Bhamendra and Anjan Kumar received amount from different persons to provide jobs in the Government Department and thereafter forged appointment letters were issued by Anjan Kumar.
4. Learned counsel for the applicant would submit that no evidence is being adduced in this case and one Man Singh has been examined but he has not categorically stated against the present applicant, therefore, he may be enlarged on bail.

5. Per contra, learned State Counsel opposes the bail.
6. Perused the case diary and the statements of witnesses.
7. The argument of learned counsel for the applicant that the present Applicant Shivji Yadav has not been named cannot be appreciated only by taking the first line of the statement of Man Singh. It is for the trial Court to adjudicate and evaluate such statement and this Court cannot substitute itself to be the trial Court by picking up a single line of statement of witness Man Singh.
8. Considering the fact that no substantial change of circumstances had taken place after passing the rejection order dated 14.12.2015 and further considering the totality of the facts situation of the case, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**