

## **HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5154 of 2016**

1. Bhawani Shankar Yadav & Ors. S/o Raghunath Yadav Aged About 35 Years R/o Village - Kotasura, Tahsil - Pussaur, Distt. Raigarh Chhattisgarh
2. Heeralal S/o Shyam Sunder Yadav Aged About 38 Years R/o Village - Kotasura, Tahsil - Pussaur, Distt. Raigarh Chhattisgarh
3. Jotram Yadav S/o Shyam Sunder Yadav Aged About 30 Years R/o Village - Kotasura, Tahsil - Pussaur, Distt. Raigarh Chhattisgarh

**---- Applicants**

**Versus**

State Of Chhattisgarh Through, Station House Officer, Police Station - Pussaur, Distt. Raigarh Chhattisgarh

**---- Respondent**

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|----------------|---|----------------------------------------------|
| For Applicants | : | Mr. Awadh Tripathi, Advocate.                |
| For Respondent | : | Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate. |

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**Hon'ble Shri Justice Goutam Bhaduri**  
**Order On Board**

**05/09/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 02/08/2016 in connection with Crime No. 150/2016 registered at Police Station- Pussaur, Distt. Raigarh (C.G.) for the offence punishable under Sections 294, 506-B, 323, 452, 307, 34 of IPC.
2. As per the prosecution case, on 30/07/2016, the applicants armed with axe and iron rod entered into the house of the complainant- Chetan Singh Rajput and assaulted the him with the intention to kill him and thereby committed the offence.
3. Learned Counsel for the Applicants would submit that the Applicants had also made a report against the complainant, there is a prior enmity existing between the parties, therefore, both the parties have assaulted each other and injury as inflicted was out of the scuffle happened. It has been further submitted that the applicants may be released on bail in these circumstances.
4. Learned State Counsel opposes the bail application.

5. Perused the documents and the evidence of the witnesses.
6. Considering the facts and circumstances of the case and particularly considering the medical report and the back ground of the case, I am inclined to allow the present bail application filed by the applicants.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on furnishing personal bond for a sum of Rs.25,000/- each with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-  
(Goutam Bhaduri)

Judge