

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5933 of 2016

Raju Singh Patel, S/o. Shri Rajaram Singh, Aged about 35 years, R/o. Village Gaurahi, Thana- Adalhat, Civil & Revenue District Mirjapur (U.P.).

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Bango, District Korba (C.G.)

---- Respondent

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MCRC No. 5939 of 2016

Chandrashekhar Mourya @ Shekhar Mourya, S/o. Late Shri Kailash Prasad Mourya, Aged about 50 years, R/o. Shankar Nagar Nawapara, Police Outpost- Chirai, Thana- Choubeypur, Civil & Revenue District Varanasi (U.P.).

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Bango, District Korba (C.G.)

---- Respondent

For Applicants : Mr. Sunil Sahu, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

28.09.2016

1. These are 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 in connection with Crime No.02/2016 registered at Police Station- Bango, District Korba (C.G.) for the offence punishable under Section 302, 201/34 of Indian Penal Code.
2. As per the prosecution case, the applicants along-with other co-accused were going back from their vehicle from Bilaspur to Banarash and in the half-way one Harish Paswan committed murder of Pappu Singh @ Chandrashekhar by a Gun shot inside

the vehicle. Thereafter, the applicants who are inmates of the vehicle threw the dead body below the Jhorkhi Canal and the driver of the vehicle washed the vehicle and cleared the blood stain and fled away. The dead body of Pappu Singh was found in the Canal for which a report was made by Sarpanch of the Village and on the basis of a Mobile-set Chandrashekhar @ Pappu Singh was identified by the family members of the deceased.

3. Learned counsel for the applicants would submit that the applicants have not committed any offence and the entire allegation has been attributed to one Harish Paswan. He further submits that maximum the case against the applicants would be under Section 201 of I.P.C. and the similarly placed co-accused Subhash Mourya has been enlarged on bail in MCRC No.4884 of 2016 on 24.08.2016, therefore, the present applicants may also be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances, nature of allegation and the fact that the main allegation has been attributed to Harish Paswan according to the charge sheet, I am inclined to release the applicants on bail.
6. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- 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