

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MISC. CRIMINAL CASE NO. 1958 OF 2017**

Pushpendra Singh @ Pampu Singh (wrongly mentioned as Pappu), S/o Krishna Bahadur Singh Thakur, aged about 39 years, (wrongly mentioned as 30) years, R/o Bangalipara, Gali No.5, Police Station- Sarkanda, Civil and Revenue District Bilaspur (C.G.)

**... Applicant**

**Versus**

State of Chhattisgarh, through Station House Officer, Police Station- Sarkanda, District Bilaspur (C.G.)

**... Non-applicant**

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|-------------------------|---|-----------------------------------------------------------------------------------------|
| For Applicant           | : | Dr. N.K. Shukla, Senior Advocate,<br>assisted by Mr. Dharmesh<br>Shrivastava, Advocate. |
| For Non-applicant/State | : | Ms. Shobha Kashyap, Panel Lawyer.                                                       |

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order on Board**

**25/05/2017**

1. This is the First Bail Application under Section 439 of Cr.P.C filed by the Applicant for grant of bail as he is arrested in connection with Crime No. 859 of 2016, registered at Police Station Sarkanda, District Bilaspur, for the offence punishable under Sections 365, 294, 323, 506, 325, 34 of IPC and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.
2. Over some monetary dispute the Applicant and three other accused persons assaulted the injured Shubham Pandey causing fracture over his left forearm and simple injuries on other parts of his body.
3. Dr. Shukla, learned Senior Counsel appearing for the Applicant, would submit that the Applicant is in jail since 7.12.2016 and the charge-sheet has already been filed, therefore, the Applicant is entitled to be released on bail.
4. Learned Counsel for the State would oppose the bail application and submit that the Applicant has previous criminal antecedents of his involvement in 10 criminal cases, therefore, he is not entitled to be released on bail.

5. Perusal of the diary and the report about the previous criminal antecedents of the Applicant would indicate that the incident covering those offences happened from 2004 to 2013 and none of the offences involved commission of any heinous or grievous crime.

6. Dr. Shukla, however, would submit that in most of the previous cases the Applicant has already been acquitted.

7. Considering the length of pre-trial detention in the present case and for the fact that previous offences do not involve commission of any heinous and grievous crime, this Court is inclined to release the Applicant on bail.

8. Accordingly, the bail application is allowed. It is directed that the Applicant shall be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. The Applicant shall thereafter appear before the trial Court on each and every date given by the said Court.

**Sd/-**

Vacation Judge  
**(Prashant Kumar Mishra)**