

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MISC. CRIMINAL CASE NO. 6723 OF 2017**

Hithlesh @ Mithlesh S/o Kapil Sai, Aged About 23 Years Caste - Rajwar, R/o Village Girwarganj (Bairpara), Police Station And District Surajpur Chhattisgarh.

**... Applicant**

**Versus**

State Of Chhattisgarh Through The Police Station Surajpur, District Surajpur Chhattisgarh.

**... Respondent**

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| For Applicant        | : | Shri Mahesh Pandey, Advocate.   |
| For Respondent-State | : | Shri Gary Mukhopadhyay, Dy. GA. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**06/12/2017**

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 29.06.2017 in connection with Crime No.264 of 2017 registered at Police Station Surajpur, Distt. Surajpur, for the offence punishable under Section 307 IPC and Sections 25 & 27 of Arms Act.
2. As per prosecution, the applicant is said to have fired gun shot with country made pistol on the neck of his aunt Amrita Rajwar.
3. Learned Counsel for the applicant submits that the present applicant has been falsely implicated in the case and that there is also doubt so far as identity of the present applicant is concerned. In the initial statement which the victim has made, there is no reflection of name of the applicant and his name has been subsequently disclosed after more than couple of days when her statement under Section 161 Cr.P.C. was recorded, and therefore, the present applicant may be released on bail.

4. Counsel for the State opposes the bail application on the ground that there are eyewitnesses to the incident particularly Dhansai and Sundari Bai, who have seen the applicant firing gun shot on the injured Amrita Rajwar.
5. Considering the nature of assault and the injuries caused on the vital part of the victim i.e. neck with the help of country made pistol coupled with the fact that the incident has been watched by the eyewitnesses, this court is of the opinion that the present is not a fit case to grant bail to the applicant.
6. Accordingly, the bail application stands rejected.

Sd/-

(P. Sam Koshy)  
**Judge**