

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 8540 of 2016**

- Jamuna Prasad Yadav S/o Shivsai Yadav, Aged About 20 Years R/o Gopalpur, Police Station Darri, District Korba Chhattisgarh –

**Applicant**

**Versus**

- State of Chhattisgarh through Station House Officer, Police Station Bango, District Korba Chhattisgarh

**--- Respondent**

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| For the applicant  | : | Mr. Aditya Kumar, Advocate       |
| For the Respondent | : | Mr. Anand Bajpai, Dy. Govt. Adv. |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**11.01.2017**

1. This is first 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.70/2016 registered at Bango, Distt. Korba (C.G) for the offence punishable under Section 302, 201/34 IPC.
2. As per the prosecution case, on 29.06.2016 a dispute took place between the deceased Satrugan Yadav and urmila Bai as the deceased after consuming liquor hurled abuses and thereafter the present applicant and other accused assaulted the deceased, thereby he died. It is alleged that this applicant assaulted the deceased by way of hands and fists.
3. Learned counsel for the applicant would submit that there is no eye-witness in this case and only on the basis of memorandum statement of Om Prakash, the applicant has been inculpated. He further submits similarly placed accused Pawan Sai has been enlarged on bail by this Court in M.Cr.C.No. 7725 of 2016 on 08.12.2016, therefore, the

present applicant may also be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he is not able to dispute the fact that similarly placed co-accused has been enlarged on bail by this Court.
5. Considering the facts and circumstances of the case especially the fact that the similarly placed accused has been enlarged on bail by this court; the charge sheet has been filed and the applicant is in jail since 07.07.2016, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on 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. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI**  
**JUDGE**