

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 347 of 2017**

Harish Paswan, S/o. Shri Indradev Paswan, Aged About 35 Years, R/o. Babubel, Police Station Haldi, Revenue & Civil District Balia, Uttar Pradesh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through Police Station Bango, District Korba, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Sandeep Dubey, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**31/01/2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has 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 applicant alongwith other co-accused were going back in their vehicle from Bilaspur to Banarash and in the half-way, the present applicant committed murder to Pappu Singh @ Chandrashekhar by a Gun shot. Thereafter, the other co-accused also tried to make disappearance of the evidence and fled away.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the other co-accused have been enlarged on bail. It is further submitted that though the death has been stated by a Gun shot, which is not supported by the post

mortem, as the post mortem report shows the stab injury; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents as also the memorandum statement of the other co-accused Subhash Mourya wherein the main allegation of Gun shot is attributed to the present applicant. Taking into such facts and the way the offence has been committed, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-  
**(Goutam Bhaduri)**  
Judge