

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 388 of 2017

- Babu Lal Sahu @ Bablu S/o Late Hriday Ram Sahu, Aged About 30 Years R/o Rajivnagar, Durg, Tahsil & District Durg, Chhattisgarh. ----
Petitioner

Versus

- State of Chhattisgarh through Station House Officer, Police Station Durg, District Durg, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Amiyakant Tiwari, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.02.2017

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.751/2016 registered at P.S. Durg, Distt. Durg (C.G) for the offence punishable u/ss 302, 307, 294, 506-B, 323/34 of IPC.
2. As per the prosecution case, on 03.10.2016 when the deceased Dhanesh Yadav was watching *Gaura Gauri* immersion along-with his family, at that time, the applicant along-with Virendra Sahu came there and over an old enmity entered into altercation. It is alleged that Virendra Sahu assaulted Dhanesh by way of knife on his abdomen and when the father of deceased Santosh Yadav and uncle Sanat Yadav tried to intervene, Sanat Yadav was also assaulted and the present applicant who is brother of main accused Virendra Sahu assaulted Santosh Yadav by way of club thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the

entire allegations of causing stab injury are on Virendra Sahu and only the allegation against the present applicant is that he was holding a club thereby the applicant has not committed primary offence whereas in the statement of Santosh Yadav, the allegation of causing assault by knife is on Virendra Sahu, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statement of Santosh Yadav. Taking into the nature of allegations attributed to the applicant, 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 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. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**