

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 424 of 2017

1. Sahasram Bharadwaj S/o Chherkaram, Aged About 45 Years,
 2. Budhwara Bai, W/o Sahasram Bharadwaj, Aged About 40 Years.
- Both are R/o Village Patharri, Out Post Hardi Bazar Police Station
Kusmunda, District Korba Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police
Station Kusmunda, Out Post Hardi Bazar District Korba
Chhattisgarh

---- Respondent

For applicants - Shri Akhtar Hussain, Advocate.
For Respondent/State – Shri Avinash K. Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

1/02/2017

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.115/2016 registered in Police Station Kusmunda, Dist. Korba (C.G.) for offence punishable under section 302/34 of Indian Penal Code.
2. As per the prosecution case, on 2/08/2016 while the roads were being constructed at village Patharri the deceased Narayan Prasad entered into altercation with Sahasram and Budhwara and initially abused. Subsequently, altercation aggravated and Sahasram and Budhwara assaulted the deceased. At that time their son Vishvajeet gave a blow by way of a stone on the head of Narayan Prasad. Thereby, he died.
3. Learned counsel for the applicants submits that out of the sudden provocation incident happened and there was no intention to kill and Vishvajeet is son of the applicants as the applicants were

abused by Narayan Prasad in intoxicated condition, thereby altercation started and main allegation of assault by stone is attributed to Vishvajeet, therefore the applicants may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of Santoshi, Kirtan and Janak Ram. Considering the statement, role played by the applicants and the background of the offence, the way it has happened and the allegation of assault by stone is attributed to Vishvajeet, this court is inclined to release the applicants on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicants shall be released on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE