

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1010 of 2018**

- Bahur Singh Banjare S/o Late Latel Singh Banjare, Aged About 70 Years, R/o Village Satnami Para, Junwani, Bhilai, Tahsil Durg, District Durg Chhattisgarh, District : Durg, Chhattisgarh

**---- Applicant**

**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Jewra Sirsa, Pulgaon, District Durg Chhattisgarh, District : Durg, Chhattisgarh

**---- Non-applicant**

---

For Applicant – Shri Ganesh Burman and Shri T.K. Jha, Advocates.  
For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**06-04-2018**

1. Heard the matter out of turn on this ground that son of this applicant is ailing in the hospital and his condition has been declared critical by examining doctor.
2. This is first bail application under Section 439 of the Cr.P.C. before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 12-12-2017 in connection with Crime No.521/2017 registered at P.S. Jewra Sirsa, Pulgaon, District Durg, Chhattisgarh for the offence under Section 147, 148, 294, 506, 307/34 of the IPC.
3. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 12-12-2017. Though it is stated by the witnesses that the applicant was present on the spot, but he has not participated in the offence that has been committed in this case. The applicant is aged about 70 years and ailing from old age problems. Charge sheet has already been filed in this case. Hence, it is prayed that the applicant may be released on bail.
4. Learned counsel for the State/non-applicant opposes the application

and submits that this applicant was one of the members of the unlawful assembly that has committed all the offences. Hence, he is not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, on the date of incident the applicant and other accused persons were using obscene words outside the house of complainant Khilawan Prasad Barle. When the complainant came out of his house, he saw that the applicant and his companions were assaulting Birjha Bai, Nayandas and Shailendra Deshlahre with rods and clubs using abusive words for them and also threatening them. Birjha Bai and Nayandas have suffered injuries and the injury caused to Birjha Bai was grievous in nature, because of which, she was admitted in the hospital for almost 12 to 13 days. Hence, this case.

7. Considered on the material present in the case diary. As according to the statement given by the witnesses, it does not appear that this applicant was actively engaged in the incident of assaulting and causing grievous injury to Birjha Bai and also looking to old age of this applicant and the fact that charge sheet has already been filed before the trial Court, I am of this view that this applicant should be released on bail during pendency of the trial against him.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy today.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
Judge