

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 3157 of 2018

(Arising out of Crime No. 493 of 2017 registered at P.S. Kasdol, Distt. Baloda Bazar Bhatapara for the offence punishable u/ss 294 & 302 of IPC)

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Gyansingh Paikra S/o Antram @ Jokad Paikra Aged About 30 Years R/o Village Kohakuda, Chowki Sona Khan, P. S. Kasdol, District Baloda Bazar-Bhatapara Chhattisgarh,

---- **Petitioner**

Versus

State of Chhattisgarh through the Station House Officer, P. S. Kasdol, District Baloda Bazar-Bhatapara Chhattisgarh.

--- **Respondent**

26.06.2018	Mr. Shiv Kumar Guha, counsel for the Applicant. State by Mrs. Madhunisha Singh, Panel Lawyer. This is first bail application. As per the prosecution case, on 26.12.2017, the applicant has committed murder of Rajkumar by way of Axe which was seen by eye witness Lachi Yadav. Learned counsel for the applicant submits that only on certain provocation, the incident happened and it will not fall under section 302 of IPC and the applicant is in jail since 27.12.2017, therefore, he may be enlarged on bail. Per contra, learned State Counsel opposes the bail application. Considering the statement of eye witness Lachi Yadav who has supported the case of prosecution, at this stage it would not appropriate for this Court to give a finding whether the case will fall u/s 304 part I or section 302 of IPC. Therefore, I am not inclined to allow this bail application. Accordingly, it is rejected. Sd/- GOUTAM BHADURI JUDGE	
Rao		