

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2855 of 2018

- Ramgulal S/o Murli Manohar Sahu Aged About 42 Years R/o- Village- Chhote Khaira, Police Station And Tahsil- Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

MCRC No. 2874 of 2018

- Deepak Sahu S/o Lakhan Lal Sahu Aged About 20 Years R/o- Village- Chhote Khaira, Police Station And Tahsil- Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

MCRC No. 2875 of 2018

- Madhusudan Sahu S/o Ramsingh Sahu Aged About 32 Years R/o- Village- Chhote Khaira, Police Station And Tahsil-Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

MCRC No. 2984 of 2018

- Lokesh Kumar S/o Lakhan Lal Sahu Aged About 22 Years R/o- Village- Chhote Khaira, Police Station And Tahsil- Sarangarh, District- Raigarh, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

MCRC No. 2989 of 2018

1. Yadram Sahu S/o Shri Narayan Prasad Sahu Aged About 45 Years R/o- Village- Chhote Khaira, Thana- Sarangarh, Civil And Revenue District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
2. Gadhharam Sahu S/o Shri Fandiyaram Sahu Aged About 58 Years R/o- Village- Chhote Khaira, Thana- Sarangarh, Civil And Revenue District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
3. Setram Sahu S/o Shri Harilal Sahu Aged About 43 Years R/o- Village- Chhote Khaira, Thana- Sarangarh, Civil And Revenue District- Raigarh, Chhattisgarh., District : Raipur, Chhattisgarh
4. Bodhram S/o Baigaram Sahu Aged About 60 Years R/o- Village- Chhote Khaira, Thana- Sarangarh, Civil And Revenue District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

MCRC No. 3084 of 2018

- Fulchand Sahu S/o Late Rogiram Sahu Aged About 65 Years R/o Village Chhote Khaira, P. S. And Tahsil Sarangarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sarangarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

MCRC No. 3199 of 2018

- Ishwar Sahu S/o Foolchand Sahu Aged About 41 Years Caste- Teli, R/o- Village Khaira Chote, Police Station And Tahsil Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The District Magistrate, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

MCRC No. 3205 of 2018

- Tribhuvan S/o Chedilal Sahu Aged About 36 Years R/o- Village- Chotekhaira, Police Station And Tehsil- Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

MCRC No. 3220 of 2018

- Sonu Sahu @ Parmeshwar Sahu S/o Manharan Sahu Aged About 32 Years R/o- Village Chhote Khaira, P.S. And Tahsil Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The District Magistrate, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

MCRC No. 3245 of 2018

- Mukund Sahu S/o Rogiram Sahu Aged About 52 Years R/o Village Khaira Chhote, P. S. And Tahsil Sarangarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

MCRC No. 3258 of 2018

- Dev Narayan Sahu S/o Samme Lal Sahu @ Samayram Aged About 26 Years R/o- Village Chhote Khaira, P.S. And Tahsil Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The District Magistrate, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

MCRC No. 3265 of 2018

- Manoj Sahu S/o Mukund Sahu Aged About 28 Years R/o- Village Khaira Chote, Police Station And Tahsil Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The District Magistrate, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

MCRC No. 3275 of 2018

- Raju S/o Fulchand Aged About 40 Years R/o- Village Khaira Chhote, P.S. And Tahsil Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The District Magistrate, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

MCRC No. 3276 of 2018

- Narayan Lal S/o Govind Ram Sahu Aged About 47 Years R/o- Village Khaira Chhote, P.S. And Tahsil Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The District Magistrate, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

MCRC No. 3297 of 2018

- Hulas Ram Sahu S/o Late Kartik Ram Sahu Aged About 25 Years R/o- Village Chhote Khaira, P.S. And Tahsil Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The District Magistrate, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

MCRC No. 3705 of 2018

- Sanjay Sahu S/o Nageshwar Sahu Aged About 26 Years R/o Village Chhote Khaira, Police Station And Tahsil Sarangarh Distt. Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sarangarh Distt. Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

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MCRC No. 4291 of 2018

- Krishna Sahu S/o Sammeram Sahu Aged About 35 Years R/o- Village Chhote Khaira, P.S. And Tahsil Saranggarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, P.S. Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicants	:	Mrs. Indira Tripathi, Advocate in MCRC Nos. 2855/2018, 2874/2018, 2975/2018, 2984/2018 & 3705/2018. Mr. Raghvendra Pradhan, Advocate in MCRC Nos. 3084/2018, 3220/2018, 3245/2018, 3258/2018, 3275/2018, 3276/2018, 3297/2018 & 4291/2018. Mr. Prateek Sharma, Advocate in MCRC Nos.3199/2018 & 3265/2018. Mr. Sunil Sahu, Advocate in MCRC Nos. 2989/2018. Mr. Keshav Shanker Nande, Advocate in MCRC Nos.3205/2018.
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/06/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. All these applications are the first bail application of the respective applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants as they are in custody in connection with Crime No.21/2018, registered at Police Station Sarangarh, District – Raigarh (C.G.) for the offence punishable under Sections 147, 148, 302, 323 & 109 of the Indian Penal Code.
3. Learned counsel for the applicants in all the cases submit that these applicants are innocent and have been falsely implicated in this case only because they were present on the spot. They are members of Sahu Samaj and earlier there had been a dispute between Sahu Samaj and complainant Ramlal Sahu. On the date of incident, the complainant was chased and assaulted by one Maniger Sahu & his son and when deceased Kevra Bai tried to intervene, she was assaulted by Harikrishna & Vinod thereby causing grievous injuries which led to her instantaneous death. No case is made out against these applicants. Similarly placed co-accused namely Rameshwar Sahu has been granted bail by this Court vide order dated 22.3.2018 passed in MCRC No.1312/2018, hence, it is prayed that the applicants may also be released on regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that all the applicants are equally

involved in the commission of offence as is evident from the statements of injured eyewitnesses recorded under Section 161 of CrPC. Hence, no case is made out for grant of bail.

5. Heard both the parties and perused the case diary.
6. According to prosecution case, complainant Ramlal Sahu and his family was beaten by the members of Sahu Samaj. On the date of incident i.e. 3.1.2018, a dispute arose in the field of Maniger Sahu regarding the boundary of the fields and in that process, said Maniger Sahu along with his son had attacked and assaulted complainant Ramlal Sahu. When deceased Kevra Bai tried to intervene, she too was assaulted by Harikrishana & Vinod by club thereby causing fatal injuries to her as a result of which she died on the spot. The allegation against these applicants is that they were present on the spot and encouraging the main assailants.
7. After considering all the material present in the case diary and the statement of all the witnesses of this case, it appears that a general statement has been made by the witnesses regarding the involvement of these applicants but the same needs to be examined in detail by the trial Court. Co-accused Rameshwar Sahu has been granted bail vide order dated 22.3.2018 passed in MCRC No.1312 of 2018. On looking into the merits of case it appears that none of present applicants is the main assailant in the incident, hence, I am of this opinion that these applicants are entitled for grant of regular bail during the pendency of the case against them.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/-each with one

surety in the like sum to the satisfaction of the concerned trial Court,
for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha