

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3691 of 2018

Birendra Kumar Sahu S/o Hriday Ram Sahu Aged About 26 Years
R/o- Rajeev Nagar, Durg, Tahsil And District- Durg, Chhattisgarh.,
District : Durg, Chhattisgarh **--- Petitioner**

Versus

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

For the applicant	:	Mr.Praveen Dhurandhar, Advocate.
For the Respondent	:	Mr. Sangharsh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.07.2018

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. 791/2016 registered at Police Station Durg, District Durg (C.G) for the offences punishable under Sections 302, 307, 294, 506-B, 323/34 of IPC.
2. As per the prosecution case, on 03.10.2016 when the deceased Dhaneshwar Yadav was celebrating the festival of Gouri-Goura in his colony along with his family members, the applicant along-with his brother came there and over an old enmity entered into altercation. It is alleged that thereafter, the present applicant assaulted the deceased by knife on his abdomen and chest. When the father of deceased Santosh Yadav and elder father Sanat Yadav tried to interfere, the co-accused Babulal and Parmanand assaulted and caused injury on the head of Santosh by lathi and the applicant has also assaulted Sanat in his abdomen.

3. Learned counsel for the applicant submits that three relatives of the deceased has been examined before the court below and they have not supported the case of prosecution, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application. .
5. Perused the statements of the injured witnesses and the statement of other witness which are placed on record.
6. At this stage, it would not be appropriate for this Court to evaluate the evidentiary value by only picking up a few of the statements of the witnesses for consideration of bail as it would amount to usurping the power of trial Court. It is for the trial Court to evaluate the statements of witnesses as a whole and adjudicate the case when the entire evidence is placed before it. Considering the facts and circumstances of the case, I am not inclined to allow this bail application. Accordingly, it is rejected.
7. However, the trial Court is requested to expedite the trial.

Sd/-

**GOUTAM BHADURI
JUDGE**