

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4947 of 2018

1. Ram Lakhan, S/o. Late Ram Dayal, Aged About 64 Years, R/o. Benonagar, P.S. Dumariya, District Gaya (Bihar).
2. Brijesh Prasad Mahato, S/o. Ram Prasad Mahato, Aged About 31 Years, R/o. Barwadih, P.S. Bhadwar, District Gaya (Bihar).
3. Pramod Kumar Yadav, S/o. Ram Swaroop Yadav, Aged About 27 Years, R/o. Nehota P.S. Imamganj, District Gaya (Bihar).
4. Anup Yadav, S/o. Musafir Yadav, Aged About 25 Years, R/o. Village Kosma, P.S. Imamganj, District Gaya (Bihar).
5. Pravind Kumar, S/o. Gopal Mistri, Aged About 20 Years, R/o. Muhobbatpur P.S. Sherghati, District Gaya (Bihar).

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Ambikapur, District Surguja Chhattisgarh.

----Respondent

AND

M.CR.C. No. 5186 of 2018

1. Vivek Paswan, S/o. Ramsewak Paswan, Aged About 25 Years, R/o. Barhet, Police Station Imramganj, District- Gaya (Bihar).
2. Heera Kumar Yadav, S/o. Shri Bado Yadav, Aged About 20 Years, R/o. Vijitpur, Police Station Aamas, District- Gaya, Bihar.

---- Applicants

Versus

State Of Chhattisgarh, Through : Police Station Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Sunil Otwani, Advocate & Mr. Sunil Tripathi, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/08/2018

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.153/2018, registered at Police Station- Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 399, 402 of the Indian Penal Code and Section 25, 27 of the Arms Act.
3. At the very outset Mr. Sunil Otwani, learned counsel appearing on behalf of the applicants in M.Cr.C. No.4947/2018 seeks permission of this Court to withdraw the bail application in respect of the applicant No.1 - Ram Lakhan and applicant No.3 - Pramod Kumar Yadav. Accordingly, the bail application of the applicant No.1 - Ram Lakhan and applicant No.3 - Pramod Kumar Yadav in M.Cr.C. No.4947/2018 is dismissed as withdrawn.
4. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Applicants are in jail since 22.03.2018. No case is made out against them according to the material present in the charge-sheet. Similarly placed co-accused persons namely Amar Kumar, Deepak Kumar and Roshan Kumar Paswan have been enlarged on bail by this Court in M.Cr.C. No.4646/2018 vide order dated 23.07.2018. Hence, it is prayed that the applicants may be enlarged on bail.
5. On the other hand, the learned counsel appearing for the State opposes the bail applications and the submission made in this respect. It is submitted that all the applicants are resident of Bihar and their presence in Ambikapur, District Surguja is not explained in any

manner. Apart from that articles that have been recovered is gas cylinder, gas cutter, fire arm etc. also explains their ulterior motive to commit some heinous crime. Hence, the applicants are not entitled to be released on regular bail.

6. I have heard the learned counsel for the parties and perused the documents placed on record.
7. The case against the applicants is this that the applicants along with other co-accused persons were on the spot when they were arrested by the police personnel of police station – Ambikapur alleging that the applicants were making preparation to commit the offence of dacoity. The applicants were found with various weapons and other articles regarding which seizure has been made. Hence, this case.
8. Considered on the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and also taking into consideration this fact that the similarly placed co-accused persons in this case have been enlarged on regular bail by this Court, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant No.2 Brijesh Prasad Mahato, Applicant No.4 Anup Yadav & applicant No.5 – Pravind Kumar in M.Cr.C. No.4947/2018 and the applicants in M.Cr.C. No.5186/2018 should be enlarged on bail
9. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed.
10. It is directed that the the applicant No.2 Brijesh Prasad Mahato, Applicant No.4 Anup Yadav & applicant No.5 – Pravind Kumar in M.Cr.C. No.4947/2018 and the applicants in M.Cr.C. No.5186/2018

shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

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