

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5654 of 2018**

Tiharuram Sahu S/o Battulal Sahu, aged about 65 years R/o-  
Village Panchri, Police Station Bilaigarh, District- Baloda Bazar-  
Bhatapara (C.G.)

---- Applicant

**Versus**

State of Chhattisgarh Through- Station House Officer, Police  
Station Bilaigarh, District- Baloda Bazar- Bhatapara (C.G.)

---- Respondent

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For Applicant : Mr. Rakesh Pandey, Advocate  
For State : Mr. Sanjeev Pandey, G.A.  
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**Hon'ble Shri Justice Ram Prasanna Sharma****Order On Board**

**17/08/2018**

1. This is second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 29.03.2018 in connection with Crime No. 78/2018 (Criminal Case No. J-193/18) registered at Police Station- Bilaigarh, District- Baloda Bazar- Bhatapara (C.G.), for the offence punishable under Sections 294, 506, 307, 302 read with Section 34 of IPC.
2. As per the prosecution, deceased Parauram Sahu was issueless and he was son of Bhattulal and brother of present applicant. He executed a will in favour of one Laxmi Prasad who was son of Ram Lal Sahu that caused angered to the present applicant and he threatened the deceased to kill and as per the supplementary statement of Ram Lal Sahu, Smt. Rukhmani Sahu and Smt. Bindeshwari Sahu, the present applicant is involved in commission of offence of murder of Parauram.
3. Learned counsel for the applicant submits that the applicant has no role to play in commission of offence and witnesses have not stated

anything against the present applicant in first instance, but in their second statement they made improvement involving the present applicant. Therefore, he may be granted bail.

4. On the contrary, learned State counsel submits that there is prima facie evidence against the present applicant and their statement may be recorded within three months in the trial court therefore, the applicant is not entitled to be released on bail at this instance. Therefore, application for grant of bail may be rejected.
5. As per the postmortem report, deceased Parauram Sahu died due to sever head injury. As per supplementary statement of Ram Lal Sahu, Smt. Rukhmani Sahu and Smt. Bindeshwari Sahu, the applicant had enraged against the deceased as he executed a will in favour of one Laxmi Prasad.
6. Looking to the prima facie evidence, it is not a fit case to grant bail in favour of the applicant, I am not inclined to grant regular bail in favour of the applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected. However, the applicant can repeat the same if evidence of above named three persons will not be recorded within three months.

Certified copy as per rules.

Sd/-  
**(Ram Prasanna Sharma)**  
Judge