

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 7020 of 2018

(Arising out of Crime No. 791/2016 (as per challan) registered at Police Station Durg, District Durg for the offence punishable under sections 302, 307, 294, 506-B, 323/34 of IPC).

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

Versus

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

20.09.2018	Mr. Pravin Dhurandhar, counsel for the applicant. Mr. Ashutosh Pandey, Dy.A.G., for the State. This is the second bail application. The earlier one was dismissed on 16.07.2018. As per the prosecution case, on 03.10.2016 when the deceased Dhaneshwar Yadav was celebrating the festival of <i>Gouri-Goura</i> in his colony along with his family members, the applicant along with his brother came there and entered into altercation over a previous enmity. 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, co-accused Babulal and Parmanand assaulted and caused injury on the head of Santosh by <i>lathi</i> and the applicant has also assaulted Sanat in his abdomen. Learned counsel for the applicant submits that at present all the witnesses have been examined and they have	

R a o	not supported the case of prosecution, therefore, the applicant may be enlarged on bail. Per contra, learned State Counsel opposes the bail application. At this stage, it would not be fair to evaluate the statements of witnesses as a whole by this Court to reconsider the bail as it would amount to usurping the power of the trial Court. It is for the trial Court to hold the trial and adjudicate the case after evaluating the entire facts and evidence of the case on merits. Further, taking into consideration the fact that the earlier bail application has been dismissed on 16.07.2018 and within a short span of time, this bail application is preferred, I am not inclined to allow this bail application. Accordingly, it is rejected. Sd/- GOUTAM BHADURI JUDGE	
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