

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7432 of 2018**

1. Panchi Nageshiya W/o Rajendra Ram Nageshiya Aged About 40 Years Occupation Agriculturist, R/o Village Jabar, P. S. Balrampur, Tehsil Balrampur, District Balrampur-Ramanujganj Chhattisgarh,
2. Rajendra Ram S/o Poko Ram Nageshiya Aged About 55 Years Occupation Agriculturist, R/o Village Jabar, P. S. Balrampur, Tehsil Balrampur, District Balrampur-Ramanujganj ,
3. Devkumar S/o Rajendra Ram Nageshiya Aged About 21 Years Occupation Agriculturist, R/o Village Jabar, P. S. Balrampur, Tehsil Balrampur, District Balrampur-Ramanujganj Chhattisgarh,
4. Ashok Kumar S/o Dileep Ekka Aged About 22 Years Occupation Agriculturist, R/o Village Jabar, P. S. Balrampur, Tehsil Balrampur, District Balrampur-Ramanujganj Chhattisgarh,
5. Jaimangal @ Nainu S/o Runa Nageshiya Aged About 40 Years Occupation Agriculturist, R/o Village Jabar, P. S. Balrampur, Tehsil Balrampur, District Balrampur-Ramanujganj Chhattisgarh.

--- Petitioners**Versus**

State of Chhattisgarh through P. S. Balrampur, District Balrampur-Ramanujganj Chhattisgarh.

--- Respondent

For the applicants	:	Mr. Pushkar Sinha, Advocate.
For the Respondent	:	Mr. D.R. Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****29.10.2018**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 83 of 2018 registered at Police Station Balrampur, Distt. Balrampur Ramanujganj (C.G) for the offences punishable under Sections 147, 148, 149, 506, 323, 307 of IPC
2. As per the prosecution case, on 06.05.2018 a dispute took

place over construction of house in disputed land on which the parties are claiming their rights against each other and the present applicants came there and assaulted the victim Lallu Singh and Axe like weapon was used which caused injury on frontal head of the injured Lallu Singh and the injury caused was enough to cause death.

3. Learned counsel for the applicants submits that over a land dispute, the incident happened and there was no intention to kill therefore no case is made out u/s 307 of IPC. He submits that there has been free fight between the parties in which the counter case has been lodged against the complainant party and the applicants may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application.
5. Perused the documents, case diary as also the statement of the victim. It appears that there was land dispute between the parties as they are claiming their rights against each other over the land. The dispute further aggravated when construction of a house was being made over the disputed land, therefore, the incident happened.
6. Considering the facts and circumstances of the case especially the fact that only one injury was caused to the victim and the charge sheet has been filed and the applicants are in jail since 18.6.2018 and 28.06.2018 respectively, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with

one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

Rao