

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 864 of 2019

- Niraj Yadav S/o Shri Prahlad Yadav Aged About 24 Years R/o Mahatma Gandhi Nagar, Gali No. 05, Amalidih, Police Station New Rajendra Nagar, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Mujgahan Raipur Civil And Revenue District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant	: Ms. Sunita Sahu, Advocate.
For Non-applicant	: Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board19.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 230/2018 registered at Police Station – Mujgahan, District Raipur, (C.G.) for the offence punishable under Sections 307, 341, 34 of the Indian Penal Code and Section 25, 27 of the Arms Act.
3. Case of the prosecution, in brief is that on 08/12/2018 about 7:15Pm complainant was going to his house at Shaswat Nagar, Boriyakhurd by motorcycle, ahead to Satbahaniya Mata Temple Devpuri a dispute was arisen between him and three unknown persons who had covered their faces by scarf. He again proceeded towards his house. Those three persons stopped his vehicle. One person slapped him. One person had caused injuries on his back by knife. As per the MLC report of complainant in the back of right chest and right lumber region stab injuries were found which were grievous in nature. The injuries were caused by hard and sharp object. As per the query report the Doctor opined that complainant Ravi Sahu if would not have got treatment, he could have died. On the memorandum of the applicant one T-shirt, one lower having blood like stains were seized from him.
4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
6. Counsel for the applicant further submitted that there is no eye witness, report is lodged against unknown persons. RFSL report is not received, thus he may be released on bail.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE