

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1459 of 2019

Shahweij Seraj, S/o Md. Wahajul Haque, aged about 18 years, R/o Ramjan Colonay Kokar Road, Thana Namkum, District Ranchi, Jharkhand, Permanent R/o Md. Wahajul Haque, Churiha Mohalla, Chatra Jharkhand, District Ranchi (Jharchand).

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Lodam, P.S. Jashpur, District Jashpur (CG).

---- Non-applicant

For Applicant	: Mr. Sumit Singh, Advocate.
For Non-applicant	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

24.04.2019

1. This is second 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 counsel for the State in connection with crime No.260/2018 registered at Police Station Lodam, P.S. Jashpur, District Jashpur for the offence punishable under Sections 307, 294, 506(B), 323, 34 of IPC and Sections 25 & 27 of Arms Act.
3. Earlier, the first bail application of the applicant was rejected by this Court on 15.02.2019 in M.Cr.C. No.905/2019 considering *prima facie* case against him.
4. Case of the prosecution, in brief is that on 03.12.2018 at about 4:30 pm at near Bus Stand at village Saitangartoli, applicant and co-accused Arbaj, Parvej came to complainant Iftedar Shah @ Ipo. They abused him, gave threats to kill him, co-accused Parvej caught hold of his throat, pointed pistol on his head and shot fire. He sit down, thus the bullet hit the wall of the shop. Co-accused Arbaj pointed knife on his throat and ousted him from the hotel. Co-accused Parvej again shot fire, one person Afsar caught hold of his hand, thus no bullet injury caused to complainant. Applicant was repeatedly saying to co-accused Parvej to fire on him. Applicant and co-accused were going back at that time co-accused Parvej again fired towards complainant, but again shot missed.
5. Counsel for the applicant submitted that after rejection of first bail application of the applicant, the complainant Iftedar Shah @ Ipo has been examined by the trial Court, he turned hostile and has not

supported the prosecution case hence the applicant may be released on bail.

6. On the other hand, counsel for the State opposed the bail application. However, he submits that previously no criminal antecedent is reported against the applicant in police case diary.

7. As per certified copy of statement of the complainant Iftedar Shah @ Ipo recorded by the trial Court on 05.04.2019, he turned hostile and has not supported the prosecution case. He had stated that the applicant and co-accused had not committed any act with him. This circumstance is sufficient to enlarge the applicant on bail in the second round of litigation hence the second bail application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-