

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7781 of 2018**

Biharu Ram Yadav S/o Tihanu Ram Aged About 40 Years Occu - Daily Wager, R/o Village Chidora, Police Station And Tahsil Kasabel, District - Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh.

---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Sitapur, District - Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- **Respondent**

For the Applicant	:	Shri Nishikant Sinha, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**29/01/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.41/2018 registered at Police Station Sitapur, District Surguja (C.G.) for the offence punishable under Section 302, 201/34 of IPC.
3. Case of the prosecution, in brief is that on 03/03/2018 deceased Sanak Ram had gone along with Khoya. On 05/03/2018 the dead body of the deceased was found in the well. As per the postmortem report of the deceased the nature of death was homicidal. During the investigation some witness had told that applicant had caused the injuries on the neck, chest by fists.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Counsel for the applicant further drew my attention on the certified copy of the some prosecution witnesses.

7. Vinaydhar Yadav has not turned hostile and stated against the applicant in examination-in-chief.
8. At this stage this Court cannot appreciate the evidence of the prosecution witnesses recorded by the trial Court.
9. Looking to the facts and circumstances of the case, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde