

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1426 of 2020**

- Narad S/o Late Ramswaroop Aged About 18 Years Caste Vishwakarma , R/o Village Devipur, Police Station , Tahsil And District Surajpur Chhattisgarh.,

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Surajpur , District Surajpur Chhattisgarh

---- Respondent

For Applicant	:	Mr. Ashok Kumar Shukla, Advocate.
For State	:	Mr. Ravish Verma, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****11/08/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.422/2019 registered at Police Station- Surajpur, District-Surajpur, C.G. for the alleged commission of offence under Section 302/34 of IPC.
2. Prosecution case is that on the date of incident, applicant and other two co-accused reached the house of the deceased and it is said that co-accused Manejar Singh assaulted the deceased, due to which, he sustained injury. The allegation against the applicant is that the applicant also assaulted with hands and fists.
3. Submission of learned counsel for the applicant is that the manner in which the incident occurred and the role alleged to be played by the applicant, prima facie, no case is made out of sharing common intention to cause death. He would submit that applicant-Narad had not come with any weapon. The fatal injury sustained by deceased was not caused by applicant but by co-accused Manejar Singh. The applicant is alleged to have caught hold of Indra Kumar son of the deceased, while deceased was being assaulted by co-accused Manejar Singh.

4. On the other hand, learned State Counsel opposes and submits that there are as many as four prosecution witnesses, who stated regarding arrival of all the accused together and assault on deceased by them, one by club and other by hands and fists. Therefore, prima facie, case of sharing common intention is made out.
5. Taking into consideration the submissions of learned counsel for the parties, particularly statement of prosecution witnesses regarding joint arrival of all the accused including present applicant and that all of them assaulted some with weapon and some with hands and fists leading to death, therefore, in these circumstances, present is not a fit case for grant of bail.
6. The bail application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge