

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1372 of 2020**

- Bihari lal singh, S/o. Ramadhin Gond, Aged about 23 years, R/o. Village Dala Bhara (Baskar) Police Station Jhilmili, District Surajpur Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh, Through Station House Officer, Police Station Jhilmili, District Surajpur Chhattisgarh.,

---- Respondent

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For Applicant : Shri Gyan Prasad Shukla, Advocate  
For Respondent /State : Shri Dinesh Tiwari, GA

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**Hon'ble Smt. Justice Rajani Dubey**

**Order On Board**

**10/08/2020**

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 57/2019 registered at police station Jhilmili, district Surajpur (CG) for the offence punishable under Sections 147,148,149 and 302 IPC.

As per prosecution case, on the date of incident, in the evening when the wife of deceased Son Kunwar went to fetch water from the hand pump, some altercation took place between them as a result of which the applicant and his family members assaulted them and caused injuries. It is alleged that during treatment, deceased

succumbed to his injuries.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that PW-13 wife of the deceased and the memorandum witness have not stated anything against the present applicant. He submits that the applicant is in jail since 26.04.2019; charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnishing in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of In Re: Contagion of COVID 19 Virus in Prisons (Suo Moto Writ Petition (C) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he

has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks' from today.

Sd/-  
(Rajani Dubey)  
Judge