

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.3986 of 2020

1. Kishan Sahu, S/o Lekharam Sahu, Aged About 30 Years R/o Village Hanaiban, Police Station Gandai, Tahsil Chhuikhadan, District - Rajnandgaon Chhattisgarh
 2. Lekharam Sahu S/o Ramcharan Sahu, Aged About 52 Years R/o Village Hanaiban, Police Station Gandai, Tahsil Chhuikhadan, District - Rajnandgaon Chhattisgarh
 3. Manoj S/o Lekharam Sahu, Aged About 22 Years R/o Village Hanaiban, Police Station Gandai, Tahsil Chhuikhadan, District - Rajnandgaon Chhattisgarh
- Applicants**

Versus

State Of Chhattisgarh, Through - Station House Officer, Police Station - Gandai, District - Rajnandgaon Chhattisgarh

---- Respondent

For Applicants	:	Shri Hemant Kesharwani, Advocate
For Respondent/State	:	Shri Alok Bakshi, Additional A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

31/08/2020

Heard.

1. The applicants have been arrested in connection with Crime No.84 of 2020 registered at Police Station- Gandai, District Rajnandgaon (CG) for the alleged commission of offence under Section 307, 34 of IPC.
2. Case of the prosecution is that in a dispute over boundary, the applicants assaulted the one Bisauha Sahu and another, in which, Bisauha Sahu sustained head injury. According to prosecution, the assault was made by the applicants with intention to cause death.
3. Learned counsel for the applicants submits that even according to prosecution story, dispute over use of boundary arose all of a sudden at the spot. Bisauha Sahu had sustained one single injury, lacerated wound on his head. No fracture injury has been caused. The said injured was discharge after 5 days and the injury on other victim is simple in nature. Investigation is complete, charge-sheet has been filed and the applicants are in jail since 08.06.2020.

4. On the other hand, learned counsel for the State opposes the prayer and submits that in the incident of assault by the applicants on the victims, the applicants had used a dangerous weapon crowbar and assault was given to Bisauha Sahu on his head which prima facie shows intention to cause death. More than one person have been injured.
5. Taking into consideration the submission of learned counsel for the parties, nature of injury, particularly that no fracture injury was caused and Bisauha Sahu said to have been discharged after five days and that the injury on other victim is simple in nature and further that investigation is complete, charge-sheet has been filed and the applicants are in jail since 08.06.2020, the application is allowed.
6. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge