

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4105 of 2020**

1. Mohit Ram S/o Shri Banvari Lal Aged About 36 Years By Caste Chamar, R/o Village Kerabakra, Thana Kelhari, Tahsil Manendragarh, District Koriya, Chhattisgarh
2. Amrit Lal S/o Shri Banvari Lal Aged About 26 Years By Caste Chamar, R/o Village Kerabakra, Thana Kelhari, Tahsil Manendragarh, District Koriya, Chhattisgarh
3. Banvari Lal S/o Shri Molai Aged About 59 Years R/o Village Kerabakra, Thana Kelhari, Tahsil Manendragarh, District Koriya, Chhattisgarh

---- Applicants**Versus**

- The State Of Chhattisgarh Through District Magistrate, District Koriya, Chhattisgarh

---- Non Applicant

For the Applicants : Mr. Parag Kotecha, Advocate

For Non Applicant : Mr. D. K. Tiwari, Dy. G. A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****16.07.2020**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court. No other bail application is pending before any other Court. Earlier, the first bail application of the applicants was rejected by this Court vide order dated 01.08.2019 passed in MCRC No.4113 of 2019 and MCRC No.4115 of 2019 considering prima facie case against them.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.23/2019 registered at Police Station- Kelhari, District- Koriya (C.G.) for the offence punishable under Sections 294, 506, 307, 326, 34 of Indian Penal Code and Section 25 and 27 of Arms Act.
3. Case of the prosecution, in brief is that on 16.04.2019 in the morning complainant Samuel Beck was picking Mahua in Bichlee forest. Applicants

and co-accused Mansai reached there. Applicants Amrit Lal and Mohit Ram had battle axe. During the quarrel applicant Amrit Lal caused blow on his left leg by the axe, his left leg got amputated. Applicant Mohit Ram caused injury on his right ankle by the axe. Applicant Banvari Lal and co-accused Mansai beat him by hands and fists. As per the MLC report of the complainant three incised wounds and one contusion were found on his body. As per the query report the Doctor opined that if the complainant could not have got immediate treatment, he might have died.

4. Learned counsel for the applicants submitted that in the case in hand common intention is not applicable. Applicant Banvari had not caused any injury by dangerous weapon. Hence, applicants may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that one another criminal case under the IPC has been registered against the applicant Mohit Ram. Two other criminal cases under IPC have been registered against the applicant Banvari Lal. No antecedent has been reported against the applicant Amrit Lal.
6. Looking to the above mentioned facts and circumstances of the case, this Court finds that no strong reason exists for releasing the applicants on bail in second round of litigation. Consequently, his second bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul