

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5259 of 2020**

- Jagnarayan Yadav S/o Ramdev Yadav Aged About 30 Years Caste - Ahir, Resident Of Chhichhli, Police Station Bagicha, District Jashpur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Bagicha District Jashpur Chhattisgarh

---- Respondent

For Applicant	:	Shri J.K.Saxena, Advocate
For State	:	Shri Ravish Verma, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****16/10/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.64/2020 registered at Police Station – Bagicha, District - Jashpur (C.G.) for alleged commission of offences under Section 307, 34 of IPC.
2. Prosecution case is that the applicant along with his brother and father arrived at the place of incident to assault the victim, five in number. It is alleged that the applicant's father and brother had undergone jail sentence on the allegation of committing murder of the husband of Sumitra and as soon as they came out after serving sentence, they along with the present applicant came to the agricultural field with intention to cause death of Sumitra and other members of her family.
3. Learned counsel for the applicant would argue that the allegation against the present applicant is false and fabricated. The main allegation of assault by axe and club are only by other accused and the only allegation against the applicant is that he was driving the tractor in which, his brother and father had come and the allegation that the applicant ran over on Sumitra with intention to kill her, is false because no corresponding injury has been found. Next submission is that the injury found on the

head of Sumitra is not a fracture injury nor any internal injury and no injury was caused to other members of her family. Therefore, offence under Section 307 IPC is not made out.

4. On the other hand, learned State counsel opposes bail application and submits that present applicant, his father and his brother, all had come in a tractor and his father and brother armed with weapon opened assault on Sumitra, Palita, Lalita and other persons, they sustained injury and Sumitra was assaulted on her head. Further submission is that the brother and father of the present applicant had arrived soon after they had undergone jail sentence on the allegations of commission of offence of murder of the husband of Sumitra Yadav.

5. Taking into consideration the nature and gravity of allegations, background in which the applicant arrived with his father and brother and assault opened on Sumitra and other lady members, I am not inclined to grant bail to the applicant. The application is, accordingly, rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge