

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6485 of 2020**

- Rahul Singh Sahu S/o Shri Shanker Singh Sahu Aged About 24 Years R/o N.I. Colony, Q.No. 993/4 Towra , District Bilaspur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer , Torwa, District Bilaspur Chhattisgarh

---- Respondent

For Applicant : Shri LUV Sharma, Advocate

For Respondent/State : Ms. Sunita Jain, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****15/12/2020**

1. Heard.
2. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 14.08.2020 in connection with Crime No.187/2020 registered at Police Station Torwa, District Bilaspur (CG) for the offence punishable under Section 302/34 IPC.
3. As per the prosecution case, on 13.06.2020 the applicant along with other co-accused on account of some previous enmity chased the deceased and thereafter one of the accused assaulted the deceased by way of knife which resulted into his death.

4. Learned counsel for the applicant submits that the statement of Manish Maghe and Raja Yadav would show that the fatal assault was made by Ayush Yadav and the allegation against the present applicant is only that he assaulted the deceased by hands and fists, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail on the ground that the Section 34 IPC is also attached along with Section 302 IPC.
6. Perused the statement of Manish & Raja. Considering the same and the fact that the arguments advanced by learned counsel for the applicant is required to be appreciated after the evidence, therefore, at this stage, considering the fact that the applicant along with the co-accused had followed the deceased and thereafter he was killed by assault by one of the co-accused, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu