

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 6557 of 2020

- Jaikishan Bandey S/o Dayaram Bandey Aged About 25 Years R/o Village-Dotopar, P.S.- Baloda-Bazar, District- Baloda-Bazar, Bhatapara (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Through S.H.O., P.S.- City Kotwali, Baloda-Bazar, District- Baloda-Bazar-Bhatapara (Chhattisgarh).

---- Respondent

For Applicant	:	Shri Hemant Gupta, Advocate
For State	:	Shri Ravish Verma, G.A.
For Objector	:	Shri N.K. Malviya, Advocate

Hon'ble Shri Justice Manindra Mohan ShrivastavaOrder On Board29/10/2020

1. Heard on application for grant of bail.
2. The applicant has been arrested on 17.07.2020, on the allegation of having committed offence under Sections 294, 324, 506, 34, 302 of I.P.C. He moved this application for grant of bail in connection with Crime No. 454 of 2020, registered at Police Station- Kotwali, District- Baloda-Bazar (C.G.).
3. Prosecution case is that the applicant alongwith other co-accused assaulted the deceased with the help of knife and as a result of stab injury, deceased succumb to death.
4. Learned counsel for the applicant would argue that as far as present applicant is concerned, he cannot be said to be involved in the alleged commission of offence of murder because the incident of *marpit* started all of a sudden and another accused who joined the fight, brought the knife and stabbed the deceased. He further submits that even according to the statement of the eye witness, the present applicant helped the deceased to the hospital, which shows that the applicant had not shared any common intention to cause death of the deceased and against the present applicant, only offense of simple

assault has been registered.

5. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that prima-facie case is made out against the present applicant because the present applicant initiated the fight and thereafter the co-accused assaulted the deceased with the help of knife and at that time, the present applicant caught hold of the deceased, so as to allow the another co-accused to stab the deceased and that he may not run away.
6. Having heard learned counsel for the parties, taking into consideration the nature and gravity of offence, particularly taking into consideration the manner in which the incident took place, as stated by the eye-witness, it is not a fit case for grant of bail.
7. Accordingly, the bail application is rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge