

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7714 of 2020**

- Maniranjana Mishra @ Pintu Mishra S/o Indradev Mishra Aged About 35 Years
R/o Gothva Gothai, Police Station Nagra, Tehsil Rasda, District Balia Uttar
Pradesh, Presently Residing Near Sheetla Mata Mandir Banshipur, Police
Station Bhatgaon, District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bhatgaon, District : Surajpur,
Chhattisgarh

---- Respondent

For Applicant	:	Mr. Rakesh Pandey, Advocate.
For State	:	Mr. K.K. Singh, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****15/12/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.35/2020 registered at Police Station- Bhatgaon, District : Surajpur, C.G. for the alleged commission of offence under Sections 302, 201, 120-B & 34 of IPC.
2. Prosecution case is that the applicant and other co-accused committed murder of Babulal. It is alleged that after about three months of the incident, when the present applicant and other co-accused were talking about the criminal act conspired and brought to its conclusion, it was over heard by the son of the deceased.
3. Learned counsel for the applicant would argue that the applicant is being involved in the alleged commission of offence on a concocted and afterthought case only on the basis of suspicion. He would submit that firstly the statement of Shashi Kumar is highly improbable that the accused persons would be discussing about the alleged commission of offence in the house of the co-accused in the presence of the present applicant in the other residence of the house. Secondly, he would submit that the said statement has no evidentiary

value in view of provision contained in Section 10 of the Evidence Act.

4. On the other hand, learned State Counsel opposes and submits that though initially, it was not known as to who has committed offence of murder of late Babu Lal but after about 3 months of the incident, the son of the deceased over heard present applicant and other co-accused discussing about the conspiracy to kill Babu Lal and subsequent murder of Babu Lal in furtherance of that conspiracy. It is further submitted that later on, in the presence of independent witness-Upendra, the applicant confessed before the Police that he was involved in the commission of offence of murder.
5. On *prima facie* consideration, it is found that after death of Babu Lal on 28.03.2020 offence was registered by the police against unknown person. After about three months of incident, the applicant is involved on the statement of the son of the deceased and co-accused Sagarmati that the son of the deceased over heard accused persons talking about the alleged conspiracy. Considering that this has come long after the alleged murder of Babu Lal, after about three months of the incident and except this, prosecution could not come out with any evidence against the present applicant including any evidence of any incriminating material on the basis of discovery of any fact by the present applicant in his memorandum statement, in the opinion of this Court, present is a fit case for grant of bail to the applicant.
6. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- along with two local sureties of the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge