

HIGH COURT OF CHHATTISGARH AT BILASPURMCRC No. 1441 of 2021

Gaindlal Yadav S/o Late Shri Bisahuram Yadav Aged About 33 Years R/o
Village Sursabandha, Police Station Rajim District Gariaband
Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- **Petitioner**

Versus

State Of Chhattisgarh Through Police Station Rajim, District Gariaband
Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- **Respondent**

For applicants	:	Mr. Pragalbha Sharma, Advocate.
For resp./State	:	Shri B. P. Banjare, Dy. GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/05/2021

1. The present applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No. 229/2020 registered at Police Station Rajim, District Gariaband (C.G.) for the offence punishable under Section 307 of IPC.
2. The present applicant is in jail since 18.11.2020.
3. As per the prosecution case on 16.11.2020 the present applicant in an inebriated condition is said to have attacked one Narayan yadav with a small club in his hand, however the attack made on Narayan Yadav got missed and the blow fell on a four year old girl child standing nearby namely, Kumari Nidhi Sahu.
4. According to the counsel for the applicant the entire incident happened by accident, as there was no intention on the part of the applicant to attack the young child. It was a case of a person in a drunken state of affairs tried to interfere in a domestic fight between the two brothers following which the

incident happened. It was the contention of the learned counsel for the applicant that applicant has already put in more than 6 months in custody and therefore the present applicant be released on bail

5. State counsel on the other hand opposing the bail application submits that there are eye witnesses who have seen the present applicant assaulting a four year old child and she got a head injury and under the circumstances the applicant does not deserve to be released on bail.

6. Having heard the contentions put forth on either side and taking note of the prosecution case itself on its face value it is prima facie established that Ku. Nidhi Sahu received an injury accidentally as the assault made by the present applicant was intended upon Narayan yadav but somehow escaped the blow which incidentally fell on Ku. Nidhi Sahu. Considering the fact that there was no enmity between the two families and also taking note of the fact that as per the prosecution case the applicant was in an inebriated condition and entire incident arose on account of a domestic fight, thus prima facie a strong case for grant of bail has been made out.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.50,000/- with two sureties in the like sum to the satisfaction of the concerned Trial Court. The applicants shall thereafter appear before the Trial Court on each and every date given by the said court.

Sd/-

(P. Sam Koshy)
VACATION JUDGE

Rohit