

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1653 of 2021**

- Nikhilesh Lahri, S/o Late Gannu Lahri Aged About 20 Years R/o Kurud Police Station Mandir Hasaud District Raipur Chhattisgarh

**---- Applicant (In jail)****Versus**

- State Of Chhattisgarh, Through S.H.O. Police Station Mandir Hasaud District Rajnandgaon Chhattisgarh

**---- Respondent**

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| For Applicant        | : Shri BP Singh, Advocate             |
| For Respondent/State | : Shri Shrikant Kaushik, Panel Lawyer |

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**Hon'ble Shri Justice Parth Prateem Sahu**  
**Order on Board**  
**(Proceeding through Video Conferencing)**

**08.07.2021**

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No. 402 of 2020 registered at Police Station-Mandir Hasaud, District Raipur, Chhattisgarh for the offences punishable under Sections 307 and 323 of IPC.
2. Case of the prosecution, in brief, is that on 16.11.2020 at about 22.30 hours, complainant Sachin Yadav along with his friend Lochan Patel, Lokendra Patel, and Roshan Bandhe were sitting in front of closed Kirana Shop of Roshan Bandhe, after celebration of 'Bhaiduj' festival. At that relevant time, present applicant came there and tried to fire crackers near them, to which complainant Sachin Yadav and Lochan Patel objected. Applicant annoyed with this assaulted Lochan Patel by means of knife, by which he suffered stab injury over his abdomen and bowel came out. Sachin Yadav suffered injury with hard blunt object. Incident was reported to concerned Police Station, based upon which the instant crime was registered against the present applicant.

3. Shri BP Singh, learned counsel for the applicant submits that incident took place during the celebration of 'Bhaiduj', just after Diwali festival. As per allegation, dispute arose between the applicant with Sachin Yadav, Locan Patel and others on account of firing crackers, and there is no previous enmity. There was no pre-intention to cause injury as suffered by Lochan Patel. He submits that it is Lochan Patel, who started quarrelling under influence of liquor, dispute arose between them and he suffered injuries. He further submits that Lochan Patel was discharged after taking treatment from the hospital after 8 days upon his recovery. There is no criminal antecedent against present applicant and he is resident of a village. He is in jail since 17.12.2020, hence the applicant may be enlarged on bail.

4. Shri Shrikant Kaushik, learned State counsel opposing the submissions of learned counsel for the applicant, submits that injured Lochan Patel suffered very serious injuries on his abdomen. Due to stab injury, part of bowels (intestine) came out, hence applicant is not entitled for bail. However, he does not oppose the submission that at the time of incident, Lochan Patel was under influence of liquor.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegation, manner in which incident took place, undisputed fact that injured Lochan Patel was under influence of liquor at the time of incident, applicant is in jail since 17.12.2020, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-  
(Parth Prateem Sahu)  
JUDGE

padma