

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2348 of 2021

1. Deepak Kumar Singh & Another S/o Shri Anand Singh, Aged About 27 Years
2. Umesh Kumar, S/o Satynanarayan Yadav, Aged About 19 Years

Both are R/o Village Bhurungia, P.S. Mahuda, District Dhanbad (Jharkhand) (Wrongly Mentioned As Village Bhurugiya P.S. Mahuda, District Dhanbad (Jharkhand) In Order Sheet),

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Khamtarai, District Raipur Chhattisgarh,

---- Respondent

For Applicants	:	Mr. Pragalbha Sharma, Advocate
For State	:	Mr. Anmol Sharma, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.07.2021

1. Heard
2. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of bail as they were arrested in connection with Crime No. 572/2020, registered in Police Station Khamtarai, Distt. Raipur (C.G.) for offence punishable under section 302/34 of IPC.
3. As per the prosecution case, the applicant along with the truck driver and the helper assaulted one person on the allegation that he has stolen the mobile which resulted into his death.
4. Learned counsel for the applicants submits that the incident started at the statement of one Ajay Mishra and Ajay Mishra has been examined. As per the Clause 8 of the statement, the applicants were not in know of the fact that the deceased was hiding himself in the loading bay of the truck and he was beaten by someone else, therefore, no case is made out against the applicants.
5. Per contra, learned State counsel read out the statement of Tikeshwar and Umresh and also submits that the T-shirt of Deepak Singh are blood-stained. He read out the

statement of Tikeshwar and submits that he has seen the beating of the deceased by the present applicants and thereafter the applicants fled from the scene.

6. Having considered the statement of Tikeshwar, I am not inclined to grant bail to the applicants. Accordingly, the bail application filed under Section 439 of Cr.P.C. stands rejected.

7. Certified copy as per rules.

sd/-

(Goutam Bhaduri)

JUDGE

Vishakha