

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2492 of 2021**

1. Jagdish Ram Bhuiya S/o Tapeswar Ram Aged About 22 Years
2. Radha Ram Bhuiya S/o Late Phoolkeshwar Bhuiya Aged About 37 Years

Both R/o Vijaynagar Kenwatapara Police Chowki Vijaynagar P. S. Basantpur  
District Balrampur Ramanujganj Chhattisgarh

**---- Applicants****Versus**

- State Of Chhattisgarh Through Station House Officer, P. S. Ramanujganj,  
District Balrampur Ramanujganj Chhattisgarh

**---- Respondent**


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For Applicants : Shri Nishi Kant Sinha, Advocate

For Respondents/State : Shri Pawan Kesharwani, PL

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**Hon'ble Shri Justice Goutam Bhaduri****Order****22/07/2021**

1. Heard.
2. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 25/08/2020 in connection with Crime No.143/2020 registered at Police Station Ramanujganj District Balrampur Ramanujganj (CG) for the offence punishable under Sections 302, 201, 34 of I.P.C.
3. As per the prosecution case, dead-body of one Pawan Kashyap was found in a

well subsequently four accused persons namely Jagdish, Radha Ram, Fekan and Deepak Kashyap were arrested.

4. Learned counsel for the applicants submits that only on the presumption that the applicants were having some previous enmity with the deceased they have been arrested and the memorandum statement of Jagdish on the basis of which the applicants have been inculpated the said memorandum statement has not been made the part of the charge-sheet. He would further submit that one of the co-accused Deepak Kashyap has been enlarged on bail by the co-ordinate Bench of this Court in M.Cr.C. No.591 of 2021 on 03.03.2021 and the case of the present applicants is similar to him, therefore, the applicants may also be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail, however, is not able to dispute that for the reason the memorandum statement of Jagdish has not been made part of the charge-sheet on that ground the other co-accused was enlarged on bail, however, the prosecution case is based on last seen theory of Rajesh Kashyap, therefore, the applicants are not entitled for grant of bail.
6. Perused the bail order of Deepak Kashyap in M.Cr.C. No.591 of 2021 granted by the co-ordinate Bench of this Court. Considering the same and also the fact that only on the basis of the last seen theory of Rajesh Kashyap the present applicants have been inculpated and also taking into that on the basis of the memorandum statement of jagdish the applicants have been arrested has not been made the part of the charge-sheet, I am inclined to release the applicants on bail.

7. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri  
Judge

Ashu