

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7338 of 2021

1. Rahul S/o Shri Narhari Rajvanshi Aged About 18 Years R/o Village Pipraud, Colony Navapara, Police Station Gobara Navapara, District Raipur Chhattisgarh
2. Harish S/o Shri Gaurang Das Aged About 19 Years R/o Village Pipraud, Colony Navapara, Police Station Gobara Navapara, District Raipur Chhattisgarh
3. Narhari S/o Shri Sukdev Rajvanshi Aged About 41 Years R/o Village Pipraud, Colony Navapara, Police Station Gobara Navapara, District Raipur Chhattisgarh

----Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Fingeshwar, District Gariyaband Chhattisgarh

---- Respondent

For Applicants	:	Mr. Prateek Sharma and Ms. Prakritee Jain, Advocates
For Non-applicant	:	Mr. Vimlesh Bajbai, Govt. Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

15/12/2021

1. Applicants have filed this application under Section 439 of Cr.P.C. for grant of regular bail as they have been arrested in connection with Crime No.191/2021 registered at Police Station- Fingeshwar, District- Gariyaband (C.G.) for the offence punishable under Sections 294, 302, 34 of IPC.
2. Case of prosecution is that on 29.8.2021 at about 11:00 am, when

deceased Sandeep Chandrakar went to fish shop of accused Narhari Rajvanshi and was talking to him with regard to money transaction between them, at that point of time, applicants along with Shrihari have assaulted the deceased by means of club and iron strip. He suffered as many as eight injuries. He was taken to hospital where during course of treatment, he died. In postmortem report, it is reported that deceased suffered fracture of parietal bone. Incident was reported by Santosh Sinha, friend and eyewitness. Based upon which, aforementioned crime was registered and applicants were arrested on 29.8.2021.

3. Learned counsel for the applicants would submit that deceased Sandeep Chandrakar had come to fish shop of Narhari for extortion of money, upon which, dispute took place. Applicants No. 1 & 2 are of tender age. There is no other criminal antecedent against them. Applicants are in jail since 29.8.2021, hence, they may be enlarged on regular bail.
4. Learned counsel for the State opposes the submissions of learned counsel for the applicants and would submit that there are three eyewitness to the incident namely Santosh, Indrakumar and Manish and they have stated that all the accused persons have assaulted by means of club and iron strip to deceased, due to which, he suffered as many as eight injuries including fracture of parietal bone. There is prima facie involvement of applicants in commission of offence, hence, they are not entitled for grant of bail.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, manner in which the incident took place, statement of Santosh, Indrakumar and Manish recorded under Section 161 of Cr.P.C. who are eyewitness, I do not find present to be a fit case for grant of bail to applicants.
7. Application is accordingly rejected.

Sd/-
(Parth Prateem Sahu)
Judge