

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7880 of 2020

1. Ramji Yadav S/o Late Shri Fagua Yadav, Aged About 60 Years R/o Atal Avas, Murum Khadan, Ashoknagar Bilaspur P.S. Sarkanda Bilaspur Tahsil And District Bilaspur (Chhattisgarh)
2. Bajrang Yadav S/o Shri Santosh Yadav, Aged About 25 Years R/o Atal Avas, Murum Khadan, Ashoknagar Bilaspur P.S. Sarkanda Bilaspur Tahsil And District Bilaspur (Chhattisgarh)
3. Pintu @ Pinku @ Laxmiprasad Yadav S/o Shri Sukhi Yadav, Aged About 21 Years R/o Atal Avas, Murum Khadan, Ashoknagar Bilaspur P.S. Sarkanda Bilaspur Tahsil And District Bilaspur (Chhattisgarh) ---- **Applicants**

Versus

State Of Chhattisgarh Through Police Station Incharge Sarkanda Bilaspur
Chhattisgarh, District : Bilaspur, Chhattisgarh ---- **Respondent**

MCRC No. 8982 of 2020

Sumit Kumar Sahu S/o Trilochan Sahu, Aged About 20 Years R/o Ashok Nagar, Chantidih (Khamtarai Khar), Police Station Sarkanda, District Bilaspur Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh ---- **Respondent**

For respective Applicants :	Shri Suresh Kumar Pandey and Shri Atul Kumar Kesharwani, Advocates
For Respondent/State :	Ms. Sameeksha Gupta, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/01/2021

Heard.

1. The applicants have been arrested in connection with Crime No.882 of 2020 registered at Police Station- Sarkanda Bilaspur District Bilaspur (CG) for the alleged commission of offence under Section 147, 302 of IPC.
2. All the bail applications are being disposed off by this common order as they arise out of the same crime number.

3. Prosecution case is that on 15.09.2020, the applicants and other accused assaulted the deceased Sunil Sarthi, due to which, he sustained various internal injuries and finally succumbed to death on 21.09.2020.
4. Learned counsel for the applicants would argue that though the incident is said to have happened on 15.09.2020, no FIR was lodged either by victim or by other persons who are claiming to eyewitness until 22nd of September, 2020. It is argued that for about 7 days, no report was lodged which shows that it is a case of false implication and only when Sunil Sarthi succumbed to death report was lodged. The other submission is that even according to the postmortem report, the cause of death was internal injury in the lungs, intestine and also it was reported that the deceased was a drunkard. Therefore, it is argued, the involvement of the applicants is an afterthought. Learned counsel for the applicants would submit that investigation is complete, charge-sheet has been filed, therefore, they may be granted bail. Learned counsel for the applicant-Ramji Yadav would submit that, in fact, earlier on the date of incident, Ramji Yadav was assaulted by deceased in respect of which the applicant -Ramji Yadav had got these injuries examined by the doctor.
5. On the other hand, learned State counsel opposes the bail application and submits that the incident was witnessed by eyewitness Om Prakash, who involved the applicants Ramji Yadav, Bajrang Yadav and Pintu @ Pinku and others. It is submitted that as per the postmortem report deceased died due to internal injuries in the lungs and intestine therefore, prima facie case is made out.
6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that applicants-Ramji Yadav, Bajrang Yadav and Pintu @ Pinku have been named by Omprakash, the applications of applicants- **Ramji Yadav, Bajrang Yadav and Pintu@Pinku** are rejected.
7. The case diary statement of Omprakash, however, does not involve the **applicant-Sumit Kumar Sahu**, therefore, his application is allowed.
8. It is directed that the applicant-**Sumit Kumar Sahu** shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two

local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge