

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8062 of 2021**

1. Ramkishan Biyar S/o Ramsunder Biyar, aged about 50 years,
2. Shankar Biyar S/o Ramsunder Biyar, aged about 52 years,
3. Hukumchand Biyar S/o Thakuri Biyar, aged about 46 years,

All are R/o Village Lodhi (Nagpanipara), Police Station Basantpur, District Balrampur- Ramanujganj (C.G.).

---- Applicants

**Versus**

State of Chhattisgarh through: Station House Officer, Police Station Basantpur, District Balrampur Ramanuganj (C.G.).

---- Respondent

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| For Applicant  | : | Mr. Arun Kumar Shukla, Advocate |
| For Respondent | : | Mr.Sushil Sahu, PL              |

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**Hon'ble Shri Justice Deepak Kumar Tiwari**  
**Order on Board**

**29/10/2021**

Heard.

1. The applicants have preferred this first Bail Application under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No. 84/2021 registered at Police Station- Basantpur, District Balrampur- Ramanujganj (C.G.) for the offence punishable under Sections 447, 147, 148, 149, 294, 506, 323, 332, 325 and 307/34 of the IPC.
2. Case of the prosecution, in brief, is that as the accused persons were illegally ploughing the agriculture field of the complainant party, on 07/06/2021 at about 8 am, the complainant party reached there and

objected to it. Thereupon, the accused persons including the applicants having abused them filthily started assaulting them with club, crowbar and axe and also threatened them of life.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. No act as alleged has been committed by the applicants. In fact, there is a land dispute between the parties and by false implication of the applicants they want to dispossess them from their land. The complainant party was aggressor in this case, even as per statement of the witnesses the applicants did not make any assault on the complainant party. He further submits that co-accused Nanki and Bindu have already been released by the coordinate bench of this court vide order dated 23/08/2021 passed in MCRc No. 5499/2021, therefore, the applicants may also be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard counsel for the parties.
6. Considering the facts and circumstances of the case, particularly considering the nature of injury caused to the victim/injured and the fact that there is a land dispute between the party, co-accused persons have already been enlarged on bail by the coordinate bench of this Court and conclusion of trial is likely to take time, I am of the view that it is fit case to enlarge the applicants on bail.
7. Accordingly, the bail application is allowed.

8. It is directed that the applicants shall be released on bail on each of them furnishing personal bond of Rs. 10,000/- with one surety each of the like sum amount to the satisfaction of the trial Court. Thereafter, the applicants shall appear before the trial Court on the dates given by the trial Court.

Sd/-  
**(Deepak Kumar Tiwari)**  
**Judge**

Rahul