

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8028 of 2021

1. Rishabh Paswan S/o Devnarayan Aged About 23 Years R/o Surya Nagar, Camp 2, Power House, P.S. Chhawani, District Durg Chhattisgarh
2. Somnath @ Akshay S/o Pardeshi Lal Aged About 25 Years R/o Camp - 1, Bhilai, P.S Vaishali Nagar, Bhilai, District Durg Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Vaishali Nagar, Bhilai, District Durg Chhattisgarh

---- Respondent

For Applicants	–	Mr. B.P. Singh, Advocate
For State	-	Mr. Arjit Tiwari, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.10.2021

1. This is the second bail application filed under Section 439 of CrPC for grant of regular bail to the applicants, who have been arrested in connection with Crime No. 60/2020 registered in Police Station Vaishali Nagar, Bhilai, Distt. Durg (C.G.) for offence punishable under Sections 302, 120B, 147 & 148 of Indian Penal Code.

2. As per prosecution case, on 10.03.2020, one Shailesh Yadav was assaulted by a group of people wherein these applicants were also present and assaulted Shailesh Yadav and for the injury, he succumbed to it.

3. Learned counsel for the applicants submits that only on the omnibus allegation, the present applicants have been inculpated. He submits that this is the second bail application, the first bail application was dismissed as withdrawn on 05.02.2021 with liberty to repeat the same after examination of the eye witnesses. He further submits that four eye witnesses - PW-1 Harishchand Yadav,

PW-4 Suneel Pandey, PW-5 Ramhari Goud & PW-6 Manish Yadav have been examined but they have not attributed anything to these applicants though the other accused have been named. Therefore, the applicants may be enlarged on bail.

4. Learned State counsel do not dispute the fact that four eye witnesses have not stated anything against these applicants and except that, it is stated by the State that the entire case is based on the eye witnesses.

5. Considering the fact that the eye witnesses have not named the present two applicants, I am inclined to release the applicants on bail. Accordingly, the bail application is allowed and it is directed that the applicants shall be released on their furnishing personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

6. Certified copy, as per rules.

Sd/-

(Goutam Bhaduri)

Judge