

14.12.2020.  
121.  
as  
(Allowed).

**C.R.M. 9821 of 2020**

**(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Balurghat P. S. Case No.397 of 2020 dated 13.10.2020 under Sections 341/323/325/34 of the Indian Penal Code and adding Section 307 of the Indian Penal Code.

In the matter of : Biswanath Adhikary @ Bhuttu & Anr.  
... Petitioners.

Mr. Kaushik Choudhury.  
...for the Petitioners.

Mr. Imran Ali,  
Ms. Sima Biswas.  
.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that there are case and counter case between the parties.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Intention to murder the victim may be assessed in the light of the submission relating to a free fight resulting in case and counter case between the parties. Whether the injury is life threatening or not may be considered at the appropriate stage of the proceeding.

However, in the facts and circumstances of the case, we are of the opinion that custodial interrogation of the petitioner

for progress of investigation is not necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners, viz., Biswanath Adhikary @ Bhuttu and Nilkanta Adhikary shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This application for anticipatory bail is, thus, disposed of.

**(Suvra Ghosh,J.)**

**(Joymalya Bagchi, J.)**