

CRM 4386 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bharatpur Police Station Case No.34 of 2020 dated 09-02-2020 under Sections 341/325/326/307/302/34 of the Indian Penal Code.

- A n d -

In the matter of : Souresh Biswas @ Saires Biswas & Anr.
.... Petitioners.

Mr. Manas Kumar Das

... For the Petitioners.

Ms. Sukanya Bhattacharya,
Mr. Md. Kutub Uddin

... For the State.

The prayer of the petitioners for bail was rejected twice by this Court, firstly, in August, 2020 and then, on October 21, 2020.

The petitioners say that the incident was a free fight between two groups that stemmed from a land dispute. Three or four persons were injured. One of the victims succumbed to the injury. Hence, Section 302 of the Indian Penal Code. The petitioners say that they had no intention of committing murder. They have been in custody for one year and seven months.

We have seen the material in the Case Diary. The Statements of witnesses recorded under Sections 164/161 of the Code of Criminal Procedure specifically name these two petitioners. *Prima facie*, the petitioners are involved in the commission of the alleged offence.

The State says that the trial is coming to an end. Only four witnesses remain to be examined.

Considering the nature and gravity of the offence that the petitioners have been charged with and the fact that the trial is likely to come to an early conclusion and also keeping in view the earlier rejections of the petitioners' prayer for bail, we are not inclined to allow this application.

Accordingly, the application for bail being CRM 4386 of 2021 is **dismissed**.

However, in view of the protracted detention of the petitioners, we request the learned trial Court to expedite the trial and bring the same to its logical conclusion at the earliest and preferably, within a period of one year from date.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**