

18.11.2021  
651  
Ct. No 29  
**KAUSHIK**  
(REJECTED)

**C.R.M. 5129 of 2021**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Nakashipara** Police Station Case No. **65** of **2021** dated **13.02.2020** under Sections 341/324/325/326/307/34 of the Indian Penal Code with added Section 302 of the Indian Penal Code.

And

In Re : Fakir Sk. & Ors.

..... petitioners

Mr. Sudipto Moitra  
Mr. Prabir Majumdar

.... for the petitioners

Mr. Tanmoy Kumar Ghosh  
Mr. Arindam Sen

.... for the State

The petitioners being the father and two sons are before this Court seeking bail in this case.

Learned advocate appearing for the petitioners submits that there was a street fight between the two rival groups in consequence of which the petitioners sustained injuries. Supplementary affidavit has been filed by the petitioners along with copy of the injury reports. Learned advocate for the petitioners further submits that petitioners are suffering custody for ten months and no purpose would be served by their further detention. It is asserted that the petitioners have no criminal antecedents and may be granted bail on any condition.

Learned advocate for the State strongly opposes the prayer for bail. Our attention is drawn to the injury reports and the materials in the case diary.

Considered the submissions made by the learned advocates of both sides and the materials in the case diary. In view of the gravity of the offence and the injury sustained by the victim resulting in his death and their complicity, we are unable to grant bail to the petitioners.

Hence, the prayer for bail is rejected at this stage.

CRM 5129 of 2021 is accordingly dismissed.

**(Ananda Kumar Mukherjee, J.)**

**(Shivakant Prasad, J.)**