

05.08.2022

Sl.13

Court No.29

(AD)

(Rejected)

C.R.M. (A) 3749 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Daulatabad** Police Station Case No.**93 of 2022** dated **10/04/2022** under Sections **326/307/34** of the Indian Penal code.

And

In the matter of: **Mojahar Biswas & Ors.**

....petitioners.

Mr. Jissan Iqbal Hossain

Mr. Faijur Rahaman

...for the petitioners.

Mr. Soumik Ganguli

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that there was a *suo motu* police complaint lodged in respect of the selfsame incident. He refers to page 7 of the petition. He prays for calling for the case diary in respect of such *suo motu* police case. The police filed charge sheet and, therefore, the custodial interrogation of the petitioners is not required.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that the victim suffered injuries out of blast of improvised explosive device. He refers to the injury report of the victim as also a statement recorded under Section 161 of the Code of Criminal Procedure.

In his statement recorded under Section 161 of the Code of Criminal Procedure, the injured victim states that the petitioners hurled the crude bomb towards the petitioners which

blast and out of such blast he received injuries.

There are two eye-witnesses stating largely the same thing recording under Section 161 of the Code of Criminal Procedure.

In such circumstances, we are unable to grant anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

C.R.M. (A) 3749 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)