

25.01.2022

Court No.32
rpan/27

CRM 8787 of 2021

[Through Video Conferencing]

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In Re : **Bindharam Singha @ Bindharam Singh & 3 Others**
- Petitioners

Mr. Shaharayar Alam
... for the Petitioners.

Mr. Avishek Sinha
... for the State.

Apprehending arrest in connection with Islampur Police Station Case no.636 of 2021 dated 10.09.2021 under Sections 448/323/324/325/307/354/427/379/34 of the Indian Penal Code, 1860, the petitioners have filed the present application.

Mr. Alam, learned advocate appearing for the petitioners submits that there was a previous land dispute amongst the parties and the petitioners have been falsely implicated. A counter-case has also been lodged by the petitioners against the *de facto* complainant and others. No specific overt act has been attributed to the petitioners herein and other co-accused persons, namely, Deep Kumar Singha and Rajesh Singha had already been granted anticipatory bail by a coordinate Bench of this Court. In view thereof, the petitioners herein may be granted anticipatory bail.

Mr. Sinha, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary, including the statement of the

injured, as recorded under Section 161 of the Code as well as the injury report.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, it appears that the petitioners herein are similarly situated with the co-accused persons, namely, Deep Kumar Singha and Rajesh Singha, who had already been granted anticipatory bail by a coordinate Bench of this Court. Considering the nature of accusations as levelled against the petitioners herein and the extent of their complicity, we are of the opinion that custodial interrogation is not warranted. As such, prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Bindharam Singha @ Bindharam Singh, Budhu Ram Singha @ Budharam Singh, Siblu Ram Singha @ Sibu Ram Singh** and **Sourav Singha @ Sourav Singh** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, 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 with a further direction that they shall meet with the Investigating Officer of the case once a fortnight till investigation is complete.

It is further directed that the petitioners shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned court below would be at liberty to cancel their bail without any further reference to this Court.

The application for anticipatory bail, being CRM No. 8787 of 2021, is, thus, disposed of.

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

(Kesang Doma Bhutia, J.) (Tapabrata Chakraborty, J)