

20.10.2022

Vacation Bench
SL No.53
s.biswas

C.R.M. (DB) 3621 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Domkal** P.S. Case No. **294 of 2021** dated **28.05.2021** under Sections **302/34** of the Indian Penal Code.

And

In the matter of: **Mojibur Biswas @ Mojibar Biswas**
@ Majibar Biswas @ Mojibor Biswas

...petitioner

Mr. Soumik Ganguly,
Mr. Tapodip Gupta

...for the petitioner

Mr. Rudradipta Nandy,
Ms. Sonali Das

...for the State

The petitioner has prayed for bail merely on the ground of long detention due to failure on the part of the learned Magistrate to commit the case to the Court of Sessions even after submission of charge-sheet and for the reason that factually the alleged incident occurred during hit of the moment on the issue of plucking of mango from mango trees between the brothers. One of the brothers was assaulted by the others and succumbed to injuries.

We have carefully perused the case diary especially the statement of the witnesses recorded under Section 164 of the Cr.P.C. The petitioner previously made application with similar prayer and the said application was rejected by the Division Bench of this Court on 26th May, 2022.

Considering the materials in the case diary and in view of the fact that there is no change in circumstance from 26th May, 2022, the prayer for bail is rejected.

Learned Chief Judicial Magistrate, Berhampore,
Murshidabad is directed to commit the case diary to the Court
of Sessions positively by the next date fixed.

(Bibek Chaudhuri, J.)

(Biswaroop Chowdhury, J.)