

31.01.2023

Serial no. 13

[Dd]

(Anticipatory bail)

(Rejected)

CRM (A) 368 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **346** of **2022** dated **10.08.2022** under Sections **448/354B/326/307/506/34** of the Indian Penal Code and under Sections **25** and **27** of Arms Act. (G.R. case no. 4945 of 2022)

-And-

In the matter of : **Mostafijur Rahaman @ Mustak Ali & Anr.**
... ..**Petitioners**

Mr. Bikash Ranjan Bhattacharya, Id. Sr. adv.
Mr. Khairul Alam, Advocates
... .. For the Petitioners

Mr. Ashok Das,
Mr. Asif Dewan, Advocates
... ...For the State

Petitioners pray for anticipatory bail.

Learned senior advocate appearing for the petitioners submits that the petitioners were falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case dairy. He refers to the statement recorded under Section 161 of the Criminal Procedure Code of an eye-witness.

The eye-witness who recorded statement under Section 161 of the Criminal Procedure Code implicates both the petitioners in the assault.

Both the petitioners stand on the same footing as that of Rumel Hasan whose prayer for anticipatory bail was rejected on January 10, 2023 passed in CRM (A) 70 of 2023.

Considering the gravity of the offence and the involvement of the petitioners therein, we are unable to grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners is **rejected**.

CRM (A) 368 of 2023 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)