

15.02.2023.  
53.  
Ct.No.28  
as  
(Allowed)

**C.R.M. (DB) 579 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol North P. S. Case No.557 of 2022 dated 15.12.2022 under Sections 304(ii)/308/34 of the Indian Penal Code.

In the matter of : Sourav Kushwaha & Ors.  
.... Petitioners.

Mr. Ayan Bhattacharjee,  
Mr. Satadru Lahiri,  
Mr. Vikash Singh.  
...for the Petitioners.

Mr. Saswata Gopal Mukherji, ld. P.P.,  
Mr. Rudradipta Nandy, ld. A.P.P.,  
Mrs. Sonali Das.  
...for the State.

Petitioners are in custody for 61 days. Investigation is complete. They pray for bail.

Learned Public Prosecutor submits three persons died in the incident.

We have considered the materials on record. FIR was registered under Section 304 Part II of the Indian Penal Code. The offence attracts sentence upto 10 years. Petitioners are in custody for more than 60 days. No police report has been filed.

Under such circumstances, we are inclined to grant statutory bail to the petitioners.

Accordingly, the petitioners viz., 1) Sourav Kushwaha, 2) Sanjay Yadav, 3) Bishu Rajak, 4) Binay Tiwari, 5) Rambabu Singh @ Banti Singh and 6) Pintu Sharma @ Chintu 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 Learned Chief Judicial Magistrate, Paschim Bardhaman subject to condition that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

**(Ajay Kumar Gupta,J.)**

**(Joymalya Bagchi, J.)**