

20.04.2023.  
22.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (DB) 1570 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Beldanga P. S. Case No.08 of 2022 dated 06.01.2022 under Sections 323/325/326/307/302/34 of the Indian Penal Code.

In the matter of : Muslim Sk @ Moslim Sk.

... Petitioner.

Mr. Ali Ahsan Alamgir,  
Ms. Rabia Khatoon,  
Ms. Somal Mal.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,  
Ms. Amita Gaur.

...for the State.

Petitioner submits there was a free fight between the parties. Case and counter case were registered. Victim did not disclose the name of the assailants before the medical officer. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits bail prayer of co-accused viz., Rahamatulla Sk @ Sheikh Rahamatulla was turned down by this Court.

We have considered the materials on record. Statements of eye witnesses show petitioner and co-accused had assaulted the victim. Failure of the victim to disclose the name of assailants before the medical officer has to be considered in the light of the aforesaid incriminating materials collected during investigation. Bail prayer of co-accused viz., Rahamatulla Sk @ Sheikh Rahamatulla was rejected in March, 2023.

Under such circumstances and in view of gravity of offence, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

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

**(Joymalya Bagchi, J.)**