

10.05.2023.  
61.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (DB) 1853 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra P. S. Case No.553 of 2021 dated 20.12.2021 under Sections 302/34 of the Indian Penal Code.

In the matter of : Haider Sk. @ Pora Haider & Ors.  
... Petitioners.

Mr. Y. J. Dastoor,  
Mr. Prabir Majumder.  
...for the Petitioners.

Mr. Swapan Banerjee,  
Mr. Suman De.  
...for the State.

Petitioner is in custody for 445 days. Co-accused are on bail. He renews his bail prayer.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Statement of witness recorded under Section 164 of the Code of Criminal Procedure implicates the petitioner in the murder. Names of co-accused though recorded in statement under Section 161 of the Code of Criminal Procedure were missing in the statement under Section 164 of the Code of Criminal Procedure. Hence, they were released on bail. Petitioner does not stand on the same footing with the said co-accused.

Accordingly, we are not inclined to grant bail to the petitioner.

Bail prayer of the petitioner is rejected.

Magistrate is requested to commit the case to the Court of Sessions at the earliest.

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

**(Joymalya Bagchi, J.)**