

12.06.2023

Sl. 23

Court No. 29

Sourav

(Allowed)

C.R.M. (DB) 2165 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with SC Case No. **140** of **2022** corresponding to G.R. Case No. **3598** of **2021** arising out of **Jamuria** Police Station Case No. **494** of **2021** dated **24.11.2021** under Sections **302/120B** of the Indian Penal Code, 1860 and Sections **25/27** subsequently added Sections **25(1B)(a)/35** of the Arms Act.

And

In the matter of: **Payare Mohan Bhuiya**

....petitioner.

Mr. Satadru Lahari

Mr. Sourav Paul

...for the petitioner.

Mr. Rudradipta Nandy, Ld. APP

Ms. Puspita Saha

...for the State.

1. Heard learned Counsel for the parties.
2. It is fairly submitted at the Bar that the case is based on circumstantial evidence and the deceased is stated to have been shot dead at 10.00 p.m. on November 23, 2022. The alleged gun/pistol is stated to have been seized from the room of the father of the petitioner on the showing of the petitioner on June 25, 2022.
3. The eyewitnesses accounts are to the effect that they could not identify the assailant as he was wearing black dresses and had used helmet.
4. Learned Counsel for the petitioner submits that though two witnesses have been cited as seizure witnesses so far as seizure of gun is concerned, the name of one witness is missing from the charge-sheet whose name is Ranjit Kumar Ram. There is also nothing on record to show the motive on the part of the petitioner though there is motive on the part of

the father of the petitioner. The trial is otherwise ready to be commenced.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of evidence and long custody of the present petitioner, it is directed that the petitioner shall be released on bail by the learned Additional Sessions Judge, 1st Fast Track Court at Asansol, Paschim Bardhaman, on such terms and conditions as deemed just and proper in the facts and circumstances of the case in Connection with SC Case No. 140 of 2022 corresponding to G.R. Case No. 3598 of 2021 arising out of Jamuria Police Station Case No. 494 of 2021 dated 24.11.2021 including the condition that i) the petitioner shall appear before the Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C. ii) the petitioner shall not leave the jurisdiction of the Court without leave of the learned Trial Judge.
6. Accordingly, the prayer for bail is allowed.
7. The application being **CRM (DB) 2165 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

