

04.10.2023
SL. 40
Court No. 29
Sourav
(Rejected)

C.R.M. (A) 4035 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sagarpara** Police Station Case No. **101** of **2023** dated **17.04.2023** under Sections **341/302/326/307/34** IPC and Sections **25/27** of the Arms Act (corresponding to G.R. Case No. 1644 of 2023).

And

In the matter of: **Habibur Rahaman & Anr.**

....petitioners.

Ms. Sabana Hasin

...for the petitioners.

Mr. Madhusudan Sur, Ld. APP
Mr. Manoranjan Mahata

...for the State.

1. Heard learned Counsel for the parties.
2. This is a case of murder on two counts and in the transaction, three persons have suffered injury. One of the deceased has suffered injury by sharp cutting weapon and also gunshot injury. Another deceased has suffered multiple injuries as a result of assault by deadly weapons. So far as the present petitioner no. 2 is concerned, he is alleged to have assaulted one Sohan Sk (injured) with a 'Bhojali'. Aforesaid witness has also stated about presence of petitioner no. 1 (Habibur Rahaman) at the spot being armed with deadly weapon.
3. There are altogether ten accused persons and the investigation is still on. So far as deceased Zaidul is concerned, all the accused persons are alleged to have surrounded him and assaulted him when he intervened to save Shunnath.

4. This may be a good case under Section 439 Cr.P.C. but in view of the gravity of the offence, we are not inclined to exercise our discretion in favour of the petitioners under Section 438 Cr.P.C.
5. Accordingly, the prayer for anticipatory bail is rejected.
6. The application being **CRM (A) 4035 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

