

29.11.2023
Sr. No. 46.
AB
Court 28
[Rejected]

C. R. M. (A) 4417 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No.1141 of 2023 dated 29.08.2023 under Sections 447/147/148/149/325/326/307/302/506 of the Indian Penal Code read with Sections 25(1)(a)(1B)/27 of the Arms Act

In Re : ***Ejabul Hoque*** Petitioner.

Md. Nawroz Rahbar,
Md. Jawwad,
Mr. A. R. PatiFor the Petitioner.

Mr. Swapan Banerjee,
Mr. A. S. ChatterjeeFor the State.

1. Heard the learned lawyers for the parties.
2. Petitioner submits that co-accused Tafijul Hoque has been granted pre arrest bail.
3. Learned lawyer for the State contends that Tafijul had not participated in the assault.
4. We have considered the statement of injured witness, namely, Samaul. He stated that the petitioner had assaulted him while others fired at the victim. This shows participation of the petitioner in the assault where victim had been murdered. Petitioner does not stand on the same footing with Tafijul against whom no overt-act has been attributed.
5. Under such circumstances, we are not inclined to grant anticipatory bail to the petitioner.
6. The prayer for anticipatory bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

