

20.12.2023
Sl. No.84
akd
[Rejected]

C. R. M. (DB) 4600 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.12.2023 in connection with Entally Police Station Case No.314 of 2022 dated 12.10.2022 under Sections 307/34 of the Indian Penal Code and Sections 25(1B)(a)/27 of the Arms Act.

And

In Re: ***Banty Patra @ Banti Patra***

... .. Petitioner

Mr. Sanat Kumar Das
Mr. Sujan Chatterjee
Mr. S. Sinha

... .. for the petitioner

Mr. Prasun Kumar Datta .. Id. Addl. Public Prosecutor
Ms. Sima Biswas

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 430 days. Co-accused viz. Sujoy Patra @ Sujay Patra has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail.
3. We have considered the materials on record. Co-accused viz. Sujoy Patra @ Sujay Patra was enlarged on bail in view of the scanty evidence on record so far as he is concerned. But petitioner has been identified by two witnesses viz. Sk. Sabir and Md. Sahid in Test Identification Parade. These witnesses are yet to be examined. Firearm was also recovered from the possession of the petitioner. In view of the aforesaid, we are of the opinion petitioner cannot claim parity with co-accused viz. Sujoy Patra @ Sujay Patra. Hence, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

