

CRM (A) 5999 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kumarganj Police Station Case No. 253 of 2022 dated 04.08.2022 under Sections 341/326/34 of the Indian Penal Code.

-And-

In the matter of : **Bachchu Das @ Bachhu Das**

... .. Petitioner

Ms. Busra Khatoon, Advocate

... .. For the Petitioner

Ms. Z. N. Khan, Advocate

Mr. Asif Dewan, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the police filed charge-sheet and, therefore, custodial interrogation of the petitioner is not required.

The petitioner is not the principal accused. The principal accused is in custody.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the eye witnesses recorded under Section 164 of the Code of Criminal Procedure and a dying declaration made by the deceased to his wife.

The eye witnesses to the incident recording statement under Section 164 of the Code of Criminal Procedure implicates the petitioner in the assault. The same is corroborated by the statement of the wife of the deceased who claims that the deceased named the petitioner as one of the assailants.

In view of the gravity of the offence and the involvement of the petitioner therein and the complicity of the petitioner in the incident, we are unable to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is rejected.

CRM (A) 5999 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)