

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

06.03.2023.
17/tkm

C.R.M. (DB) 104 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sitalkuchi P.S case no.104 of 2021 dated 5.5.2021 under sections 302/34 IPC and sections 25/27 of the Arms Act

In the matter of : Tahidul Miah Petitioner

Md. Sabir Ahmed
Mr. H Saha Poddar
Ms. M Das

...for the Petitioner

Mr. Sudipto Kr. Mazumdar
Mr. Ajay Kr. Singhania

...for the UOI.

Petitioner is in custody for more than a year. It is submitted co-accused is on bail. He prays for bail.

Learned Deputy Solicitor General of India submits report.

We have considered the materials on record. Petitioner is the principal offender. He had fired at the victim resulting in his death. He does not stand on the same footing with co-accused who is on bail.

In view of the gravity of offence and the principal role played by the petitioner we are not inclined to enlarge the petitioner on bail.

Accordingly, prayer for bail is rejected.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)