

24.04.2024.  
16.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (DB) 1095 of 2024**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Basanti P.S. Case No.567 of 2023 dated 02.07.2020 under Sections 302 and 120(B) of the Indian Penal Code and Sections 3/4/5/7 of I. T. P. A., 1956 read with Sections 25/27 of the Arms Act.

In the matter of : **Rakib Khan.**

... Petitioner.

Mr. Milon Mukherjee, ld. Sr. Adv.,  
Mr. Mrityunjoy Chatterjee.

...for the Petitioner.

Mr. Madhusudan Sur, ld. A.P.P.,  
Ms. Kanchan Roy.

...for the State.

Mr. Angshuman Chakraborty,  
Mr. S. S. Saha.

...for the de-facto complainant.

1. Petitioner is in custody for 290 days. He submits all the FIR named accused were discharged. He has been falsely implicated. Offences under Sections 25/27 of the Arms Act have not been added in the charge sheet. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits petitioner and Abdul Wahab Khan @ Abdul Ohab Khan committed the murder. They were last seen with the victim. Bullet heads recovered from the body matched with the firearms seized from petitioner and Abdul Wahab Khan @ Abdul Ohab Khan.

3. In response, learned Senior Advocate submits Abdul Wahab Khan @ Abdul Ohab Khan made a confessional statement that he alone committed the murder.

4. Learned Advocate for the de-facto complainant oppose the bail prayer.

5. We have considered the materials on record. Statements of witnesses show petitioner and Abdul Wahab Khan @ Abdul Ohab Khan were last seen with the victim. Bullet heads recovered from the dead body matched with the firearms seized from petitioner and Abdul Wahab Khan @ Abdul Ohab Khan.

6. In view of the aforesaid incriminating materials on record and gravity of offence, we are not inclined to grant bail to the petitioner at this stage.

7. Accordingly, the prayer for bail of the petitioner is rejected.

8. Trial court is requested to expedite the trial and conclude the same at an early date without granting unnecessary adjournments to either of the parties.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**