

09.05.2024

DL-11
Court No.29
(AD)
(Partly
Allowed)

C.R.M. (A) 1627 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Md. Bazar** Police Station Case No.**41 of 2024** dated **11.02.2024** under Sections **341/323/324/325/326/307/506/34** of the Indian Penal Code, presently pending before the Court of the Learned Additional Chief Judicial Magistrate at Suri, Birbhum. (GR Case No. 230 of 2024).

And

In the matter of: **Laxmikanta Bagdi @ Rakhal Bagdi & Ors.**
....petitioners.

Mr. Sanjib Kumar Dan
Mr. Saryati Datta
Mr. Chitrak Biswas

...for the petitioners.

Ms. Faria Hossain
Ms. Debarshi Bramha

... for the State.

1. Petitioners pray for anticipatory bail.
2. Learned Advocate appearing for the petitioners submits that, co-accused was granted anticipatory bail by the Coordinate Bench on April 15, 2024 passed in CRM (A) 1271 of 2024.
3. Learned Advocate appearing for the State draws the attention of the Court to the injury reports and to the statements of the injured recorded under Section 161 of the Code of Criminal Procedure.
4. There are three petitioners before us.
5. Four persons suffered injuries in the incident of assault. One of the injured suffered grievous hurt.
6. Such injured names the petitioner no.3 (Khadem Hossain Khan @ Khadem Kha) before us as the person who inflicted such injury on him.

7. Consequently, we are unable to grant anticipatory bail to the petitioner no.3 (Khadem Hossain Khan @ Khadem Kha).
8. Accordingly, the prayer for anticipatory bail of the petitioner no.3 (Khadem Hossain Khan @ Khadem Kha) is rejected.
9. So far as the other two petitioners, that is, petitioner nos.1 (Laxmikanta Bagdi @ Rakhal Bagdi) and 2 (Sher Ali Khan) are concerned, considering their involvement as transpiring from the materials in the case diary in the incident, we grant them anticipatory bail.
10. Accordingly, we direct that in the event of arrest, the petitioner nos.1 and 2 shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner nos.1 and 2 will report before the Investigating Officer once a week till the conclusion of the investigation and on condition that the petitioner nos.1 and 2 shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner nos.1 and 2 in Court including cancelling the anticipatory bail granted without further reference to this Court.
11. Accordingly, the prayer for anticipatory bail of the petitioner nos.1 (Laxmikanta Bagdi @ Rakhal Bagdi) and 2 (Sher Ali Khan) is allowed.

12. **C.R.M. (A) 1627 of 2024** is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)