

12.09.2024
Court No.29
Item No. 11

Allowed
sg

CRM (A) 2949 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Paikar Police Station Case No. 254 of 2024 dated 26.06.2024 under Sections 448/323/325/326/307/379/506/427/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum.

And

In Re: **Arifa Bibi & Ors.**

Petitioners

Mr. Raghunath Chakraborty
Mr. Mahboob Ahmed
Ms. Nandini Chatterjee

For the Petitioners

Mr. Sanjoy Bardhan
Md. Ejaj Akhter

For the State

1. The learned Counsel for the petitioners submits that the petitioners are the next door neighbours and have been falsely implicated.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the statement of the injured and the injury report.
3. It appears that the sons of Musaraf Sk. and Saber Sk. were sitting on the culvert and were playing mobile game. Over that game, dispute arose between them and that dispute has escalated and family members of both sides got involved and hot altercation took place between them. A free fight has also taken place between the parties in which, both the sides appear to have sustained injury. There has been case and counter case between the parties.

4. Considering the materials available in the case diary, the nature of injury sustained by both the parties and the circumstances under which that incident had taken place, we are of the view that custodial interrogation of the present petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Arifa Bibi, Paristun Bibi, Kabir Sk @ Md. Kabir Ali and Lal chand @ Chand Mohammad**, shall be released on bail upon furnishing a bond of Rs.5,000/- each with two registered sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita. The petitioner nos. 3 and 4 shall meet the I.O. once in a week till the submission of the final report and the petitioner nos. 1 and 2 shall cooperate with the investigation. The petitioners shall appear before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum, within two weeks from date.
6. In the event the petitioners fail to comply with any of the abovementioned conditions, the trial court shall be at liberty to cancel their bail without any further reference to this Court.
7. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
8. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Prasenjit Biswas, J.)