

**03.01.2024**

Sl.17

Court No.29

(AD)

(Rejected)

**C.R.M. (A) 4281 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Itahar** Police Station Case No.**303 of 2023** dated **13.06.2023** under Sections **448/326/307/427/506 and 34** of the Indian Penal Code, 1860, corresponding to G.R. Case No.1489 of 2023.

And

In the matter of: **Md. Nashimul Haque**

....petitioner.

Mr. Sobhan Majumder ... for the petitioner.

Mr. Joydeep Roy, Ld. Jr. Government Pleader  
Mr. Amanul Islam

...for the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023 passed by the Coordinate Bench.

By such order, the interim anticipatory bail was granted to the petitioner.

It is submitted at the bar that such order was passed without considering the materials in the case diary and in view of the ensuing puja vacation.

We considered the materials in the case diary.

Learned Advocate appearing for the petitioner submits that co-accuseds were granted anticipatory bail by the jurisdictional Court.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that many persons were injured in the incident of assault.

However, one person suffered grievous hurt. The person who suffered grievous hurt, named the petitioner as the assailant.

Apparently, an incident of assault took place. Four persons suffered injuries. One of the persons suffered grievous hurt. He named the petitioner as the assailant causing him the grievous hurt.

Considering the gravity of the offence and the involvement of the petitioner in the incident, we are unable to confirm the interim anticipatory bail granted to the petitioner on October 16, 2023.

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

**C.R.M. (A) 4281 of 2023** is dismissed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**