

04.11.2024
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Rejected

C.R.M. (A) No. 3685 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Berhampore Police Station Case No. 1048 of 2024 dated 18.07.2024 under Sections 118(2)/109/61(2)/3(5) of the BNS and Sections 25/27/35 of the Arms Act.

And

In Re : Hafijul Kha @ Hafijul Khan & Ors. petitioners

Mr. Kingsuk Mondal

.....for the petitioners

Ms. Trisha Rakshit

....for the State

Md. Sarwar Jahan

Mr. Ashraful Haq

Ms. Tapati Sarkar

..... for de facto complainant

1. Learned Counsel for the petitioners submits that the allegation that multiple persons fired at the victim is patently absurd. Petitioners have been falsely implicated. They pray for anticipatory bail.
2. Learned Counsel for the State opposes the prayer for anticipatory bail.
3. Learned Counsel for the de facto complainant also opposes the prayer for anticipatory bail.
4. We have considered the materials on record including statement of the victim and injury report. Victim stated all the petitioners had fired at him. Injury report discloses bullet injury on his body. In light of

the aforesaid circumstances we are of the opinion there are ample materials to show petitioners shared common intention to fire at the victim in attempting to murder him. Hence, we are not inclined to grant anticipatory bail to the petitioners.

5. Accordingly, prayer for anticipatory bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)