

02.02.2024  
18  
Ct. No. 29  
S.D.  
REJECTED

**C.R.M.(A) 5138 of 2023**

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **708 of 2023** dated **01.06.2023** under Section **341/325/307/302/34** of the Indian Penal Code.

And

In Re : Jagat Bandhu Bed @ Jagatbandhu Bed  
@ Jagabandhu Bed  
..... petitioner

Mr. Soumyajit Das Mahapatra  
Mr. Ali Ahsan Alamgir  
Ms. Rabia Khatoon  
Ms. Soma Mal  
Ms. June Modak  
...for the petitioner

Mr. Madhusudan Sur  
Ms. Trina Mitra  
...for the State

Report as called for by the order dated January 30, 2024  
filed in Court be taken on record.

Investigation Officer is personally present. His further  
presence is dispensed with.

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits  
that, the police filed charge sheet and, therefore, custodial

interrogation of the petitioner is not required. He refers to the statement of the injured eyewitness recorded under Section 164 of the Cr.P.C. and submits that, the petitioner is not named in such statement.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of an eyewitness recorded under Section 161 of the Cr.P.C.

Apparently, two persons received injuries on the apprehension that they were thieves, in an incident of assault by local persons.

One of the injured died.

The surviving injured named certain assailants stating that he was able to identify such assailants. He does not rule out the presence of other assailants. All that he said was that he was in a position to identify some of the assailants.

Another eyewitness recorded a statement under Section 161 of the Cr.P.C. and named the petitioner to be present at the place of time and occurrence and ascribed active role to the petitioner in the assault leading to the death.

Considering the gravity of the offence and the materials in the case diary and the involvement of the petitioner in the incident, we are unable to grant anticipatory bail to the petitioner and the prayer for anticipatory bail is rejected.

The application being **CRM (A) 5138 of 2023** is dismissed.

**(Debangsu Basak, J.)**

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