

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

15.03.2024
Court No.1
Item. 12
(Suvendu)

CRM(DB) 74 OF 2024

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Dinhata Police Station Case No. 554 of 2023 dated 29.09.2023 under Sections 302/120B of the IPC corresponding to GR Case No. 589 of 2023 before the Ld. ACJM, Dinhata

In the matter of: Rejaul Hossain

.Petitioners.

Mr. Jagriti Mishra
Ms. A. Bhattacharya
Mr. Sabur Ali
Mr. Raj Kumar Mitra
Ms. Mrinmayee Das

For the Petitioners.

Mr. Aditi Shankar Chakraborty
Mr. Nilay Chakraborty
Mr. Subhasish Misra

For the State.

1. The petitioner’s case rests on an order passed by a Coordinate Bench on 24 in CRM 7 of 2024 where one Rafikul Hossain was enlarged on bail. The Coordinate Bench was of the view that the alleged confessional statements of the petitioner/ Rafikul Hossain before the police has no evidentiary value in the eye of law. The Coordinate Bench also found the petitioner to be on the same footing as the co-accused who was enlarged on bail in CRM(DB) 8 of 2024.
2. The petitioner is one of seven persons who are named in the charge-sheet. Four out of seven have been enlarged on bail/anticipatory bail.
3. Although the 164 statement of the son of the deceased , which has been placed before us, mentions all the co-accused persons by name including the petitioner, we find that the allegation is not based on any direct evidence but on a belief on the part of the son of the deceased.

4. We therefore do not find any ground to take a different view from that taken by the Coordinate Bench on 24th January, 2024 as the petitioner before us stands on the same footing as the petitioners in CRM(DB) 7 of 2024 and CRM(DB) 8 of 2024.
5. The prayer for bail of the present petitioner is hence allowed.
6. We accordingly direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of who must be local, to the satisfaction of the learned ACJM, Dinhata. The petitioner shall not induce witnesses or influence them or tamper with the evidence. The petitioner shall also make himself available for the trial as and when the petitioner is required and shall also not leave the jurisdiction of the concerned police station without leave of the concerned authorities.
7. CRM(DB) 74 of 2024 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)