

22.08.2024
Court No.1
SL No.4
pk/AP

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

CRM(DB) 324 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sadar** P.S. Case No. **112 of 2023** dated **25.12.2023** under Sections **302/34** of the IPC.

And

In the matter of: **Sri Sunandan Gurung and Anr.**

....Petitioners.

Mr. Rajdeep Mazumder
Mr. Avrojoyti Das
Mr. Sahabaz Ahamed
Mr. M. Khan
Mr. Rajdeep Das

...for the petitioners.

Mr. Aditi Shankar Chakraborty
Mr. Kallol Nag

...for the State.

1. The application for bail is canvassed on the ground that the accused persons were all friends, who went for a picnic and fight broke out in the vehicle they are travelling in the way back.

2. The observations of a Coordinate Bench of this Court dated 16th May, 2024 in a bail application of Sri Biswa Gurung and Anr. in CRM (DB) 233 of 2024 indicates that the petitioners came to the place of occurrence in a Scooty. The petitioner No.1 supplied stick to the petitioner No.2, who inflicted the injury, which subsequently resulted in death of the victim.

3. This Court firstly notes that while bail has been given by a Coordinate Bench of this Court in its order dated 16th May, 2024, the petitioners stand on a completely different footing than that of the applicants in CRM (DB) 233 of 2024 (supra).

4. In view of the observations made hereinabove, this Court is not inclined to grant bail to the petitioners at this stage.

5. The application for bail is, thus, rejected.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)