

**In the High Court At Calcutta
Jalpaiguri Circuit Bench
CRM (A) 780 of 2024**

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the BNSS in connection with **Dinhata Police Station** Case No. **46 of 2024** dated **21.01.2024** under Sections **448/325/307/506/34** of the Indian Penal Code.
- A n d -

In the matter of : Mithun Rajbhar & Ors.

.... Petitioners.

Mr. Hillol Saha Poddar,
Ms. Mousumi Das,

... For the Petitioners.

Mr. Saikat Chatterjee,
Mr. Sanjiv Das,

... For the State.

Order dictated by Biswaroop Chowdhury, J.:

1. Learned Advocates for the petitioners and the State are present.
2. Heard learned Advocates for the parties. Perused the materials in the case diary.
3. Learned Advocate for the petitioner submits that they have been falsely implicated in this case. He further submits that the case was instituted by filing a petition under Section 156(3) of the Code of Criminal Procedure after a long period of time from the date of the alleged incident.
4. Learned Advocate for the State objects to the grant of anticipatory bail and submits that the victim suffered injury and is still under treatment.

5. Upon perusal of the materials in the case diary and upon hearing learned Advocate for the parties, we are of the view that custodial interrogation of the petitioner nos. 1 to 5 and 7 to 20 are not necessary. Their prayer for anticipatory bail is, thus, allowed.

6. Accordingly, in the event of arrest, the petitioners, namely, **Mithun Rajbhar, Uttam Bhowmik, Prasenjit Roy, Bishnu Ray @ Bishu Roy, Amal Barman @ Roy, Mostafa Miya, Saiful Hossain, Alimul Mia @ Miya, Nur Mohammad Miya, Acchar Ali @ Achhar Ali, Nabi Hossen Miya, Malek Miya, Ramjan Miya, Nur Islam Haque, Enarul Hossain, Mohammel Miya, Nazmul Hossain, Ranjan Ali**, and **Sultan Hossain** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that the petitioners shall report to the Officer in Charge of the concerned Police Station once in a fortnight until further orders.

7. In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

8. The prayer for anticipatory bail of the petitioner no. 6, **Najrul Islam**, stands rejected in view of the fact that from the material on record and particularly the statement of the victim recorded under Section 161 of the Code of Criminal Procedure, it appears that the petitioner no. 6 was the principal assailant.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)