

**In the High Court At Calcutta
Jalpaiguri Circuit Bench**

CRM (A) 844 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 **Maynaguri Police Station** Case No. **37 of 2024** dated **29.01.2024** under Sections **341/326/307/506/34** of the Indian Penal Code.

- A n d -

In the matter of : Nipen Rakshit @ Nipendra Rakshit @ Nipen Rakhkhith @ Nipendra Rakhkhith & Ors.

.... Petitioners.

Mrs. Jeenia Rudra,
Mr. Tushar Debnath,

... For the Petitioners.

Mr. Sourav Ganguly,

... For the State.

Mr. H. Rahaman,

.... For the defacto complainant.

Order dictated by Biswaroop Chowdhury, J.:

1. Learned Advocate for the petitioners, learned Advocate for the State and learned Advocate for the defacto complainant are present.
2. Heard learned Advocates for the parties and perused the material in the case diary.
3. Learned Advocate for the petitioners submits that the investigation is complete and there are cases and counter-cases between the defacto complainant and the petitioners.
4. Learned Advocate for the State and the learned Advocate for the defacto complainant object to the grant of anticipatory bail.
5. Upon perusing all the materials in the case diary and considering the fact that the investigation of the case is complete and one co-accused person is on bail, this Court is the view that in the interest of justice, the petitioner nos. 2, 3, 4, 5, 6, 7 and 8

should be granted anticipatory bail. Their prayer for anticipatory bail is allowed.

5. Accordingly, in the event of arrest, the petitioner nos. 2, 3, 4, 5, 6, 7 and 8, namely **Upendra Nath Rakshit @ Upendranath Rakhkhith @ Upendra Rakshit @ Upendra Rakhkhith, Joydeb Rakshit @ Joydeb Rakhkhith @ Jaydeb Rakhkhith, Biswanath Sarkar @ Bishwanath Sarkar, Sribash Sarkar, Subrata Sarkar, Subhas Sarkar, Gobinda Rakhkhith** 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 petitioner nos. 2, 3, 4, 5, 6, 7 and 8 shall report to the Officer in Charge of the concerned Police Station once in a fortnight until further orders.

6. In case the petitioner nos. 2, 3, 4, 5, 6, 7 and 8 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.

7. The application for anticipatory bail is allowed in so far as the petitioner nos. 2, 3, 4, 5, 6, 7 and 8 are concerned.

8. With regard to the prayer for anticipatory bail of the petitioner no. 1 stands rejected since it appears from the material on record that he was the prime 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.)