

C.R.M. (DB) 495 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Itahar P.S. Case No. 188 of 2024 dated 10.04.2024 under Sections 341/448/324/326/307/354/506/34 of IPC and adding Section 302 of IPC.

And

In Re : **Rahidul Hoque @ Banu & Anr.** ... Petitioners.

Mr. Arindam Jana
Mr. A. Sengupta ... for the Petitioners.

Mr. Ashok Das ...for the de facto complainant.

Ms. Amita Gour
Ms. Nandini Chatterjee ... For the State.

The petitioners are in custody for more than 300 days and renew their prayer for bail.

Learned counsel for the petitioners submits that one of the co accused similarly circumstanced with the 2nd petitioner has been granted bail by this Court earlier. Charge sheet has been submitted. Trial is yet to commence. Further detention of the petitioners is not required.

Learned counsel for the State and the de facto complainant oppose the prayer.

It appears that the 1st petitioner is one of the principal accused who assaulted the victim resulting in his death. His prayer for bail cannot be considered at this stage and is therefore, rejected.

With regard to the 2nd petitioner, co accused similarly circumstanced with him has been granted bail earlier. Allegation against him may be under Section 302/34 of the Indian Penal Code. Evidence collected during investigation prima facie suggests that he might be sharing common intention to murder with the principal assailants.

This Court is informed that charges could not be framed since 8 of the accused are still absconding.

Considering the material available on record as well as period of detention of the 2nd petitioner this Court is of the view of that the 2nd petitioner be released on bail.

The prayer for bail in connection with the 2nd petitioner is allowed.

The 2nd petitioner, **Batasu Sekh** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Raiganj, Uttar Dinajpur subject to condition that the petitioner shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

If the petitioner fails to appear before the learned trial Court on any date fixed before it without justifiable cause, the learned trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

The application for bail, being CRM (DB) 495 of 2025, is, thus, disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)