

01.05.2025

Item No.31

Ct.No.34

rc.

Allowed

C.R.M. (DB) 861 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Naihati Police Station Case No. 151 of 2023 dated 07.05.2023 under Sections 325/341/506/34/302 of the Indian Penal Code.

And

In Re : **(1) Vineet Jha @ Prince Jha**
 (2) Vinay Jha

... Petitioners

Mr. Subhabrata Chowdhury

... for the Petitioners

Mr. Debasish Roy

Mr. Arijit Ganguly

Mr. Koushik Kundu

... For the State

Heard learned counsels for the parties.

The petitioners are in custody for about two years and pray for bail.

Learned counsel for the petitioners submits that there was an altercation between the petitioners and the victim/deceased which lead to complaints being filed by both the parties. The victim succumbed to his injuries subsequently. The incident occurred on the spur of the moment and the first petitioner had no intention to cause the death of the victim.

Learned counsel for the State opposes the prayer.

I have considered the material on record. The first petitioner appears to be the principal assailant who inflicted the fatal blow on the victim resulting in his death.

Considering the gravity of the offence and prima facie involvement of the first petitioner, being **Vineet Jha @ Prince Jha**, his prayer for bail is rejected at this stage.

Upon consideration of the extent of complicity of the second petitioner in the alleged offence, his prayer for bail is allowed.

The second petitioner **Vinay Jha**, 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 Additional Chief Judicial Magistrate, Barrackpore subject to condition that the second petitioner shall remain outside the jurisdiction of the Naihati Police Station and shall furnish the address where he shall presently reside before the learned trial Court, Investigating Officer and the Officer-in-Charge of the concerned police station under whose jurisdiction he shall henceforth reside. The second petitioner shall appear before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the second petitioner fails to comply with any of the conditions mentioned above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

Case Diary be returned.

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

(Suvra Ghosh, J.)