

13.03.2025
Item No.32
Ct. No. 26
CHC
Partly Allowed

C.R.M.(A) 872 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Md. Bazar** Police Station Case No. **35** of **2025** dated **28.01.2025** under Sections **329(3)/ 115(2)/ 117(2)/ 109/ 351(2)/3(5)** of the Bharatiya Naya Sanhita, 2023, pending before the Learned Additional Chief Judicial Magistrate, Suri, Birbhum.

And

In the matter of: Rafik Mia @ Rafik Ansari & Ors.
..... petitioners

Mr. Sujoy Sarkar, Advocate
Ms. Sneha Srivastava, Advocate
Ms. Debolina Goswami, Advocate
....for the petitioners

Mr. Saibal Bapuli, Ld. A.P.P.
Mr. Nirupam Dhali, Advocate
....for the State

1. Four petitioners are before us seeking anticipatory bail.
2. In an incident of assault, a lady suffered grievous hurt. The injured recorded her statement under Section 180 of the B.N.S.S implicating the petitioner no.1 in assaulting the blow which caused the grievous hurt to her. She also places three other petitioners before us at the place of occurrence.
3. Considering the active role attributed to the petitioner no.1, by the injured victim and considering the role attributed to the other petitioners by the same injured victim, we are not in a position to grant anticipatory bail to the petitioner no.1, Rafik Mia @ Rafik Ansari. Prayer for

anticipatory bail in respect of petitioner no.1, Rafik Mia @ Rafik Ansari is rejected.

4. We, however, grant anticipatory bail to the petitioner nos.2, 3 and 4.

5. Accordingly, we direct that in the event of arrest the petitioner no.2, namely, Safik Mia @ Safid Ansari, petitioner no.3, namely, Nazrul Mia @ Najrul Ansari @ Najrul Mia and petitioner no.4, namely, Yakub Mia @ Yakub Miyan shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS and on further condition that the petitioner no.2, namely, Safik Mia @ Safid Ansari, petitioner no.3, namely, Nazrul Mia @ Najrul Ansari @ Najrul Mia and petitioner no.4, namely, Yakub Mia @ Yakub Miyan shall meet the Investigating Officer once in a month till the conclusion of investigation and on condition that the petitioner no.2, namely, Safik Mia @ Safid Ansari, petitioner no.3, namely, Nazrul Mia @ Najrul Ansari @ Najrul Mia and petitioner no.4, namely, Yakub Mia @ Yakub Miyan shall appear on every date before the jurisdictional Court on and from the date fixed for

appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner no.2, namely, Safik Mia @ Safid Ansari, petitioner no.3, namely, Nazrul Mia @ Najrul Ansari @ Najrul Mia and petitioner no.4, namely, Yakub Mia @ Yakub Miyan in Court including cancelling the anticipatory bail granted without further reference to this Court.

6. This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Smita Das De, J.)