

23.04.2025
Court No.28
Item No.25
tbsr
Partly Allowed

CRM (A) 1223 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** P.S. Case No. **665 of 2023** dated **09.07.2023** under Sections **143/323/325/506/307/34** of the Indian Penal Code, read with Section 25(1-b)/27/35 of the Arms Act.

And

In the matter of: **Habibur Rahaman & Ors.**

....Petitioners.

Ms. Sujata Das

...for the petitioners.

Mr. Iqbal Kabir

Mr. Parvej Anam

.....for State

Learned counsel appearing on behalf of the petitioners submits as follows. There was altercation between different groups of people during last Panchayat Election. The present FIR arises out of such dispute. By an order dated 10.09.2024 passed by a Division Bench of this Court in CRM (A) 3185 of 2024, eleven persons were granted anticipatory bail while the application for anticipatory bail of one accused was rejected. The present petitioners stand on similar footing as the ones granted anticipatory bail. Although there was alleged gun shot injury, the victims were not admitted in the hospital.

Learned counsel for the State relies on the case diary and points to the injury reports and the statements of witnesses. According to him, petitioner nos. 1 to 3 and 5 are not standing on the same footing as the co-accused who were granted anticipatory bail. Their names have been specifically taken by the injured victim as the prime accused who carried the arms.

In view of the fact that similarly circumstanced co-accused were granted anticipatory bail, I am inclined to grant anticipatory bail to the petitioner no. 4 (Ajijur Rahaman) while the applications for anticipatory bail of the petitioners nos. 1. (Habibur Rahaman), 2. (Badiruddin), 3. (Manirul Haque @ Islam) and 5. (Rafikul Alam @ Rafikul Islam @ Bittu) are rejected.

Thus, in the event of arrest, the petitioner No. 4 shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, 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, 2023 and on further condition that the petitioner No. 4 shall not threaten or intimidate witnesses and shall attend the jurisdictional Court on date fixed and also shall surrender before the jurisdictional Court and pray for bail within four weeks from this date.

Accordingly, the application for anticipatory bail is disposed of.

(Jay Sengupta, J.)