

09.12.2025
Sl. No.21
NB

CRM (A) 3702 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ratua PS Case No.670/2023 dated 01.12.2023 under Sections 448/325/326/302/120B/34 of the Indian Penal Code, 1860 being GR Case No.3807 of 2023 corresponding Sessions Case No.31 of 2025.

And

In the matter of: Kuch Bihari Yadav & Ors. ... petitioners

Mr. Milon Mukherjee Sr.Adv.,
Mr. Pawan Gupta.
...for the petitioners.

Mr. Subhamay Bhattacharya,
Mr. Mainak Gupta.
...for the State.

Learned senior counsel representing the petitioner submits as follows. A charge sheet has been submitted in this case. Proclamation was also issued against the present petitioners. However, the order issuing proclamation has been stayed by a Coordinate Bench of this Court. Some other co-accused were granted anticipatory bail by a Division Bench of this Court, while the application for bail of one accused was allowed by this Court. In an order rejecting the prayer for bail of another co-accused, he was described as the principal accused.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. The persons who were granted anticipatory bail were the female members of the household and they were not standing on the same footing as the present petitioners. As per the statement of an eye-witness/injured son of the deceased present at pages 160 and 161 of the case

diary, the active roles played by the present petitioners have clearly been described.

Considering the above I do not think that the present petitioners stand on the same footing as the ones who were granted anticipatory bail.

In view of the above and the other incriminating materials available in the case diary and the alleged roles ascribed to each of the present petitioners, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail being **CRM (A) 3702 of 2025** is, thus, rejected.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)