

14.02.2025
Item No.51
Court No. 26
CHC
Rejected

CRM (DB) 3809 of 2024

In re : An Application for **Bail** under Section **439** of the Criminal Procedure Code as amended/under Section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Goalpokher** Police Station Case No. **530 of 2023** dated **21.09.2023** under Sections **302/120B** of the Indian Penal Code and read with Sections 25(i)(a)/27 Arms Act.

-And-

In the matter of : **Debendra Paswan @ Devendra Paswan**
@ Bhajan Paswan
... ...**Petitioner**

Mr. Amit Roy, Advocate
... ... For the Petitioner

Mr. Suman De, Advocate
Ms. Jonaki Saha, Advocate
... ...For the State

1. Petitioner renews the prayer for bail.
2. Learned advocate appearing for the petitioner submits that, co-accused was granted bail by the coordinate Bench by the order dated December 17, 2024 passed in CRM(DB) 2850 of 2024.
3. Learned advocate appearing for the State submits that, the petitioner does not stand in the same footing as that of other co-accused who was granted bail by the coordinate Bench. He refers the contents of such order. He also referred to the materials in the Case Diary.
4. Trial is in progress. Out of 33 prosecution witnesses three were examined.

5. Role of the petitioner appears to be the driver of the vehicle by which the assailants arrived at the place of occurrence to commit the murder. Coaccused was enlarged on bail by the coordinate Bench on December 17, 2024 passed in CRM(DB) 2850 of 2024 was found to be harbouring the assailants.
6. Therefore, we are not in a position to arrive at a finding that petitioner before us stands on the same footing as that of the other co-accused who was enlarged on bail by the coordinate Bench.
7. Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials produced before Court, we are not inclined to grant bail to the petitioner.
8. Prayer for bail of the petitioner is **rejected**.
9. CRM(DB) 3809 of 2024 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)