

06.04.2026

Item No.38

Ct.No.35

dc.

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 421 of 2026

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Itahar Police Station Case No. 656 of 2024 dated 05.11.2024 under Sections 329(3)/118(1)/118(2)/109/3(5) of the Bharatiya Nyaya Sanhita, 2023 and adding Sections 103(1) of the Bharatiya Nyaya Sanhita, 2023 (G.R. Case No. 2517 of 2024).

And

In Re : **Mafijuddin Ahammed @ Ahamed and another**
... Petitioners.

Mr. Sekhar Kumar Basu, Sr. Adv.,
Ms. Rajnandini Das
... For the Petitioners.

Mr. Pravash Bhattacharya,
Ms. Diksha Ghosh
... For the State.

Mr. Kaushik Choudhury,
Mr. Dwaipayan Panda
... For the *de facto* complainant.

Pursuant to the earlier direction, case diary of the counter-case being Itahar Police Station Case No. 654 of 2024 dated 04.11.2024 has been produced before this Court. The present case for which the application for bail has been preferred is Itahar Police Station Case No. 656 of 2024 dated 05.11.2024. One Mojabul Haque aged about 81 years expired after a scuffle ensued between the accused/petitioners and the family members of the deceased. Both the case diaries would reveal that injuries were sustained. The deceased in the present case is aged

about 81 years. After about one and a half months of the incident, the deceased breathed his last.

Having regard to the fact that both the parties engaged themselves in the act and unfortunately the deceased in the present case succumbed to injuries, I am of the opinion that since the present petitioners are in custody for more than 15 months, further detention of the present petitioners are unwarranted in the facts and circumstances of the case. As such, the prayer for bail of the petitioners is **allowed**.

Accordingly, the petitioners viz., 1. **Mafijuddin Ahammed @ Ahamed** and 2. **Musaraf Hossain** shall be released on bail upon furnishing bond of Rs.20,000/- each, with two sureties of Rs.10,000/- each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Raiganj, Uttar Dinajpur.

If on bail, the petitioners shall be physically present on each and every date so fixed by the learned Trial Court and shall not leave the jurisdiction of the district of Uttar Dinajpur without prior permission of the learned Trial Court.

The petitioners shall also stay outside the jurisdiction of Itahar Police Station till the vulnerable witnesses are examined by the learned Trial Court.

Case diaries of both the cases be returned to learned advocate appearing for the State.

The application for bail, being CRM (M) 421 of 2026, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)