

16.02.2026

Court No.35.

M/L.235.

Rakib

(Rejected)

CRM (M) 2489 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bamongola Police Station Case no. 106 of 2023 dated 16.07.2023 under Sections 302/120B/34/201 of the Indian Penal Code.

And

In the matter of : Biplab Murmu.

.....Petitioner.

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

.....for the Petitioner.

Mr. Partha Pratim Das

Ms. Ratna Ghosh

.....for the State.

Learned advocate appearing for the petitioner submits that petitioner is in custody for two year seven months and has been charged for offence which may not be proved in course of the trial. Additionally, it has been submitted that presently the Court is lying vacant and there is no possibility of the trial progressing and only 14 witnesses out of the cited 28 witnesses have been examined till date and there is no possibility of the trial concluding in near future.

Learned advocate for the State on the other hand refers to the post-mortem report as well as the attending circumstances which is revealed from the statement of other witnesses.

I have taken into account the submissions of both the parties as well as the observations made on 06.05.2025 in CRM (DB) 648 of 2025. Having regard to the observations made therein, I find that there has been no change of circumstances till date.

Accordingly, it is directed that if the learned Trial Court presently lying vacant, immediately after joining of the learned Court dates be fixed for progressing with the rest of the witnesses as majority of the independent witnesses have till date been examined.

Having considered the fact that the petitioner and the deceased were solely present at the house when the incident took place, I am of the view that this is not a fit case for granting bail to the petitioner.

Accordingly, CRM (M) 2489 of 2025 is **dismissed**.

All parties shall act in terms of server copy of the order 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.)