

In Re: - An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of Code of Criminal Procedure, 1973 in connection with **Shibdaspur** P.S. Case No. **162 of 2022** dated **29/10/2022** under Sections **326/307/302/201/120B/34** of the Indian Penal Code and Section **27** of the Arms Act and Sections **3 & 4** of the Explosive Substances Act, 1908.

And

In the matter of: - Asibur Rahaman @ Bachcha @ Md. Asibur Rahaman

....petitioner.

Mr. P. S. Deb Barman,
Mr. Sagar Saha

...for the petitioner.

Mr. Rudradipta Nandy,
Ms. Puspita Saha

...for the State.

This is an application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of Code of Criminal Procedure, 1973.

Mr. Barman, the learned advocate for the petitioner, submits that a juvenile allegedly involved in the offense has been granted bail. He contends that the petitioner has been languishing in custody for a prolonged period and argues that further incarceration of the petitioner will serve no purpose, and therefore, the petitioner may be granted bail.

The learned counsel for the State opposes the prayer for bail and produces the case diary. Based on the materials available in the case diary, he submits that the petitioner is the principal accused. He alleges that fire arms and other incriminating articles were recovered from the possession of the petitioner. He asserts that it is not a fit case to grant bail to the petitioner.

Heard the learned advocates appearing for the respective parties

and perused the case diary. The post-mortem report suggests that the victim died from bullet injuries. Certain incriminating materials were allegedly recovered from the petitioner's possession. Additionally, coordinate Benches have also rejected the bail applications of other accused persons.

In this context, having regard to the rival submissions of the parties and taking note of the gravity of the offence and the materials available on record, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the application being C.R.M. (DB) No. 3675 of 2024 stands rejected and dismissed.

(Saugata Bhattacharyya, J.)

(Partha Sarathi Chatterjee, J.)