

In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj

Crl Misc Case No. 1391/2022

CNR WBUD01-002520/2022

Present:- Sri Subhasis Ghosh (WB00579)
Sessions Judge, Uttar Dinajpur at Raiganj

02/07.09.2022

The application for anticipatory bail u/s 438 of the Cr.P.C filed on behalf of present petitioners 1. Sakir @ Sakib Alam and 2. Khosh Mohd in connection with Goalpokher P.S. Case No.85/2022 dated 02.03.2022 vide GR 545/2022 u/s 448/323/326/307/354/506/34 IPC is taken up for hearing.

Learned Advocate for the petitioners submits that no such application u/s 438 Criminal Procedure Code is either rejected or pending in this Court or before the Hon'ble higher Courts prior to this application.

On query, Ld Public prosecutor submits that there is no reflection in the CD that there is any bail application either pending or rejected by Hon'ble higher Courts and IO also did not intimate him that any bail application is pending or rejected by Hon'ble higher Courts.

Heard Ld Advocate for the petitioners with reference to the petition for anticipatory bail when he submitted that 2 co-accused persons have been granted bail u/s 439 Cr.P.C, investigation has already been completed and they will face the trial if anticipatory bail is granted. Accordingly, he prays for anticipatory bail for the petitioners on any terms and conditions.

Ld Public Prosecutor referring the materials of the CD raised objection against the prayer for anticipatory bail and submitted that injured persons sustained grievous injury.

Perused the petition for bail, LCR and CD .

Considering their role in the alleged offence and considering the materials of the CD including injury reports, this Court has come to a conclusion that this is not a fit case for granting anticipatory bail. Consequently, prayer for anticipatory bail u/s 438 Cr.P.C for the petitioners namely 1. Sakir @ Sakib Alam and 2. Khosh Mohd are hereby considered and **rejected**.

Thus, the Criminal Misc Case is disposed of accordingly. Return LCR and CD.

Let a copy of this order be sent to Ld ACJM, Islampur for information.

Dictd. & cortd.

S.J.

Sessions Judge, U/Dinajpur.