

Sessions Case No.72/2022
CNR No. WBCB01-001834-2022

Order No.1, dated, 17-08-2022

Today is fixed for consideration of charge.

All the five accused persons, namely, Gautam Sarkar, Md. Sofiar @ Chhopir Rahoman, Noor Hossain, Maksedul Rahaman and Kuddus Ali @ Roky are produced before this Court from J.C.

On the behalf of the accused **Gautam Sarkar**, Ld. Counsel **Sri Chandra Sekhar Bhattacharya** is present.

On behalf of the accused **Maksedul Rahaman**, Ld. Counsel **Sri Ashok Kr. Ghosh** is present.

On behalf of the accused **Kuddus Ali @ Roky**, Ld. Counsel **Sri Pradip Kr. Sarkar** is present (In this regard, it is mentioned that initially on behalf of this accused, Ld. Counsel Kumar Shibendra Narayan was appointed by DLSA, Cooch-Bihar but today he engaged private Lawyer).

On behalf of the accused persons, namely, **Md. Sofiar @ Chhopir Rahoman and Noor Hossain**, Ld. Counsel **Kumar Shibendra Narayan** appears on being appointed by DLSA, Cooch-Bihar vide No.1138, dated, 04-08-2022.

The case is taken up for consideration of charge.

Ld. P.P. is present.

Ld. Advocate for the accused persons is also found present.

Ld. P.P. opens the case and describes the charge. He also describes the evidence by which he proposes to prove the guilt of the accused.

I have perused the F.I.R., charge-sheet and the evidence as available in C.D.
Heard both sides.

Perusal of the same shows that there is ground for presuming that all the accused persons, Gautam Sarkar, Md. Sofiar @ Chhopir Rahoman, Noor Hossain, Maksedul Rahaman and Kuddus Ali @ Roky has committed offence u/s-143, 342/149, 326/149, 307/149, 302/149, I.P.C.

So, the charges u/s-143, 342/149, 326/149, 307/149, 302/149, I.P.C. are framed in separate sheet against the accused persons.

The charges so framed are read over and explained to the accused persons separately to which they pleaded not guilty by saying 'not guilty' and claimed to be tried.

Let the accused persons be tried for the said charge.

Date be fixed for evidence in the following manner.

To **25-08-2022** for fixing schedule of evidence.

Accused persons as before.

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On behalf of the accused persons, namely, Md. Sofiar @ Chhopir Rahoman and Noor Hossain, one bail petition is filed.

On behalf of the accused Gautam Sarkar, another bail petition is filed.

Separate bail petition is also filed on behalf of the accused Kuddus Ali @ Roky.

Bail petition on behalf of the accused Gautam Sarkar is taken up for hearing.

Ld. Counsel submits that this accused petitioner has been suffering from heart disease and has developed stone in his kidney. In this regard, Ld. Counsel submits that by order of this Court accused was sent for better treatment vide order No.3, dated, 22-07-2022. Ld. Counsel submits that for better treatment he requires treatment at private Hospital and as such bail may be granted. Ld. Counsel also submits that non-involvement of this accused is apparent from the record and his status is completely different from the other accused persons who actively participated, as per allegation, in commission of the crime.

From the statement of one Imaul Haque, it appears this accused petitioner was armed with deadly weapon. Apart from that presence of the accused petitioner is also found from the statement of another witness namely Ashrab Hossain. This is a case u/s-302/307, I.P.C.

There is nothing to suggest that the treatment which may be required for the disease that the accused is suffering from cannot be treated at any Government Hospital and the Jail Authority can take necessary step for treatment in Government Hospital. At this stage, nothing to suggest in the alternative. Hence, prayer for bail is rejected.

However in this regard, it is mentioned that if Jail Authority finds that better treatment is required, it may take necessary step after following the procedure for providing proper treatment to the accused.

Let the matter be informed to the Superintendent, Cooch-Bihar Correctional Home, Cooch-Bihar.

Now, the bail petition on behalf of the accused Kuddus Ali @ Roky is taken up for hearing. Apart from that, bail petition for the accused persons, namely Md. Sofiar @ Chhopir Rahoman and Noor Hossain is taken up for hearing as they are on the same footing.

It appears that name of accused Kuddus Ali @ Roky transpires from the statement of witnesses. The name of Noor Hossain transpires from the statement of Mokbul Miah. Same statement also discloses the name of Kuddus Ali @ Roky and

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the statement shows that they were armed with deadly weapon. The name of Md. Sofiar @ Chhopir Rahoman transpires from the statement of Mojir Hossain (C.S.W. No.9). Statements of two witnesses recorded u/s-164, Cr.P.C. disclose the name of Md. Sofiar @ Chhopir Rahoman. This is a case u/s-302/307, I.P.C.

Thus, prayer for bail is rejected.

So, three bail petitions are disposed of.

To-date.

Dictated & corrected,
Sd/-
Sessions Judge,
Cooch-Bihar

Sd/-
Sessions Judge,
Cooch-Bihar