

**Sessions Case No.06 of 2024**  
**Reg-06 of 2024**  
**Present : Sri Madan Mohan Mishra**  
JO no. WB00727

Order no. 13 dated 03.10.2024

Accused Sunandan Gurung and Dipankar Rai are produced from J/C.

Accused on bail Biswa Gurung and Pranay Tamang are present.

Ld. Prosecutor Md. Sadab is present along with one witness de-facto complainant Sri Kalyan Mukhia.

Witness is present defacto complainant CSW-1 Kalyan Mukhia is examined and cross examined as PW-1 in full and discharged.

The written complaint is marked exhibit-1.

No other prosecution witness is present.

Two separate bail applications have been filed by accused Sunandan Gurung and Dipankar Rai.

The bail applications filed by accused persons are taken up for consideration.

Heard learned advocates representing accused persons as well as learned prosecutor and perused the materials on the case record and in the case diary.

Learned advocates representing accused persons submit that there is gross contradiction in the observation made by the doctor at the time of admission of the victim at Darjeeling District Hospital wherein reference to sharp cutting weapon has been made in causing the deep cut injury on the scalp of the victim and the ocular witnesses refers to 'Lathi' and the Lathi has been seized in course of investigation. Accused persons are standing on same footing with the two accused persons enlarged on bail by Hon'ble Court on 16.05.2024 and accused persons have been languishing in custody for almost ten months. Ld. Advocates pray for enlarging the accused persons on bail on any condition.

Learned prosecutor opposed the bail application by submitting that the bail application of the accused persons has been refused on 22.08.2024 by Hon'ble Court and if the accused persons are enlarged on bail in the midst of trial wherein two eye witnesses are yet to be examined the trial of the case may be prejudiced if the accused persons are enlarged on bail.

Having considered the submissions raised by learned advocate representing accused persons and ld prosecutor in the light of materials on the

case record and in the case diary, it is found that the bail application of the accused persons has been refused by Hon'ble Court on 22.08.2024 and the two alleged eye witnesses are yet to be examined. In the given circumstances, I am not inclined to enlarge the accused persons on bail at the stage.

Let the case be fixed for examination of prosecution witnesses CSW-3 Sumiran Chettri and CSW-4 Saran Rai on 07.10.2024 as prayed by ld prosecutor.

To 07.10.2024 for examination of prosecution witnesses CSW-3 and CSW-4.

Accused persons are remanded to J/C till 07.10.2024.

Dictated & Corrected by me

Sd/-

Additional Sessions Judge,  
1<sup>st</sup> Court, Darjeeling  
(In Charge)

Sd/-

Additional Sessions Judge,  
1<sup>st</sup> Court, Darjeeling  
(In Charge)