

**IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR**

**Present :**        **Sri Nirvan Khesong,**  
                         **Sessions Judge,**  
                         **Cooch Behar.**  
                         **J.O. Code WB00662**

**Bail Petition No. 908 / 2026**  
**CNR No. WBCB01-001487-2026**

**Order No. 3,**  
**dated 23/07/2026**

In the present application, the accused / petitioners namely **1) Bablu Barman, 2) Amit Barman, 3) Hriday Barman, 4) Kamal Barman @ Kamal Ch. Barman, 5) Sujan Barman, 6) Babai Barman** and **7) Papai Barman @ Tapas** have filed an application under section 438 Cr.P.C. corresponding to section 482 of the B.N.S.S. for granting anticipatory bail in connection with Sahebganj P.S. Case No. 253 of 2026 dated 27/05/2026 under section 126(2), 117(2), 109, 3(5) of the Bharatiya Nyaya Sanhita, corresponding to G.R. (I) Case No. 317 of 2026.

Ld. Advocates for the contesting parties are present.

Case Record of the Ld. Trial Court and Case Diary have been produced.

So, the Bail Petition is taken up for hearing.

By swearing affidavit, it has been stated in the bail application by the accused / petitioners that prior to filing of the present application, they did not file any application under section 482 of the B.N.S.S. before the Hon'ble High Court or any other superior Court, and no such application is pending or there is no rejection of such prayer by the Hon'ble Court. Learned Public Prosecutor-in-charge contends that there is no indication in the Case Diary in disputing the aforesaid facts.

Heard Ld. Advocate for the accused / petitioners who submits that the accused / petitioners are completely innocent and over the issue of a simple incident of hot altercation and scuffling between the parties, this case has been filed against the accused persons with some false and fabricated allegations. Ld. advocate further submits that no such incident had allegedly occurred at the behest of any of the accused / petitioners herein which may attract the offence under section 109 of the B.N.S. So, he prays for bail of the accused / petitioners on any condition.

Ld. Public Prosecutor-in-charge draws my attention to the injury report of the victim appearing at page No. 15, statement of the witnesses recorded under section 180 of the B.N.S.S at page Nos. 5, 10, 11 and other materials in the Case Diary and has opposed the prayer.

Perused the Case Diary and other material on record.

Considering the materials in the Case Diary and the injury report of the victim, I find sufficient materials against the accused / petitioner No. 1 *Bablu Barman* and accused / petitioner No. 2 *Amit Barman* showing their involvement in the commission of the alleged offence.

Considering the above facts and the materials in the Case Diary, I am of the opinion that custodial interrogation of the accused / petitioner Nos. 1 and 2 is necessary and as such, I am not inclined to grant bail to the accused / petitioner Nos. 1 and 2 under section 438 Cr.P.C. corresponding to section 482 of the B.N.S.S.

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Hence, prayer for anticipatory bail of the accused / petitioner No. 1 **Bablu Barman** and accused / petitioner No. 2 **Amit Barman** is considered and **rejected**.

However, there is no direct allegation of assault against the accused / petitioner Nos. 3 to 7 in the FIR.

Considering materials in the Case Diary and the above facts, I am of the opinion that custodial interrogation of the accused / petitioner Nos. 3 to 7 is not necessary and as such, I am inclined to allow their prayer for bail under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner Nos. 3 to 7 is **allowed**.

In the event of arrest, the accused / petitioner Nos. 3 to 7 namely **Hriday Barman, Kamal Barman @ Kamal Ch. Barman, Sujan Barman, Babai Barman** and **Papai Barman @ Tapas** may find bail of ₹ 4,000/- each with two registered sureties of ₹ 2,000/- each to the satisfaction of the Arresting Officer subject to fulfillment of the conditions as enumerated in Section 482 (2) of the B.N.S.S.

Thus, the bail petition is disposed of.

Case Diary and the Case Record of the Ld. Trial Court be returned at once.

Dictated and corrected by me,

**Sd/-**  
Sessions Judge ,  
Cooch Behar.

**Sd/- Nirvan Khesong**  
Sessions Judge,  
Cooch Behar