

**In the court of the Sessions Judge, Paschim Bardhaman.**

Present:- Sri Debaprasad Nath,  
Sessions Judge, Paschim Bardhaman.

**Criminal Misc. Case No. 932 of 2026**  
**CIS No. 932 of 2026**  
**CNR No. WBBD15-002312-2026**

Order No.02, dated 12.08.2026

This instant application under Section 482 of the BNSS has been filed by the petitioner, namely, Gabbar Thakedar @ Rafique Khan, in connection with Hirapur P.S. Case No. 78 of 2026 dated 04.04.2026 registered under Sections 126(2)/115(2)/117(2)/109/351(2) of the Bharatiya Nyaya Sanhita.

The application for anticipatory bail is taken up for hearing.

It is submitted by the learned Advocate for the accused person that the accused person is absolutely innocent and is no way involved with the alleged crime. It is further submitted that with a malafide intention to put the accused person behind the bar, this instant complaint has been lodged. According to him, most important thing is that investigation is complete and charge sheet has been filed and as such there is no scope for further custodial interrogation and the accused person is entitled to be granted anticipatory bail. Learned Advocate further submitted that no other prayer for anticipatory bail in respect of the present petitioner is pending in or rejected by any court of law.

On the other hand, learned Public Prosecutor-in-charge vehemently opposes such prayer for anticipatory bail.

Heard the learned Counsels for the parties.

Perused the Magistrate's Court Record and the materials in the case diary.

I have carefully studied the statements recorded under Section 180 of the BNSS. I have carefully studied the injury report as contained in the case diary. CT Scan report of the victim Md. Hussain contains an observation which is as follows:

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" CT study of facial bones reveals post- traumatic soft tissue thickening at left peri orbital and premaxillary region".

It appears from the Magistrate's Court Record that charge sheet vide no. 135 of 2026 dated 30.06.2026 has been submitted under Sections 126(2)/115(2)/117(2)/109/351(2) of the BNS against the accused person. Ld. Chief Judicial Magistrate, Paschim Bardhaman took cognizance of the same by order dated 19.07.2026 and on that very date warrant of arrest was issued against the present accused person. Careful study of the materials in the case diary further reveals that the investigating officer had conducted raid on 04.04.2026, 07.05.2026 and 19.05.2026 in order to arrest the accused person but the accuse was found absconding from his house. Warrant of arrest was issued on 19.07.2026.

The aforesaid conduct of the accused person does not support the theory that he would face the trial.

Considering such, **prayer for anticipatory bail of the accused/petitioner, namely, Gabbar Thakedar @ Rafique Khan is rejected.**

Case diary be returned.

The Criminal Misc case is, thus, disposed of accordingly.

Let a copy of this order along with the Magistrate's Court Record be sent down to the concerned court at once.

Let another copy of this order be sent to the investigating officer of this case through Officer-in-charge/Inspector-in-charge of the concerned P.S. for information and necessary action.

Dictated & corrected by me.

Sessions Judge, Paschim Bardhaman.

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JO Code-WB01243





