In the Court of the Ld. Sessions Judge, Birbhum at Suri.
Cr. Misc. Case No.277 of 2026
(CNR No. WBBB-01-000764-2026)
Present :- Smt. Arti Sharma Roy (JO Code WB00149)
Sessions Judge, Birbhum

Order No.03 dated 09.04.2026

The application u/s 482 of BNSS is moved by the Ld. Advocate praying for anticipatory bail of the petitioners, namely, (1) Bandana Roy @ Bandana Mishra and (2) Amit Roy in connection with Suri P.S. Case No.07 of 2026 dated 03.01.2026 u/s 127/ 115(2)/ 117(2)/ 131/ 308/ 351(3)/ 3(5) of BNS, giving rise to G.R. Case No.19 of 2026 of the Court of Ld. Chief Judicial Magistrate, Suri, Birbhum.

An affidavit has been filed by Amit Roy, one of the petitioners of this case stating that no such bail application under section 482 of BNSS has been filed, nor any application is rejected by any higher forum.

Ld. Lawyer for the petitioners prays for anticipatory bail on grounds that over family feud petitioners are falsely implicated by the complainant who is full blood brother of petitioner no.02, and petitioner no.01 is the wife of petitioner no.02. It is further submitted that mandatory notice u/s. 35(3) of BNSS has never served upon the petitioners who are willing to cooperate with investigation. Citing the incident as an outcome of family dispute between the close relation and also undertaking to cooperate with investigation, Ld. Advocate for the petitioners prays for admission of the petitioners on anticipatory bail on any terms and conditions as the Court thinks fit and proper.

Ld. PP-in-charge, Birbhum has submitted that no injury report is submitted in the CD and from the statements of the witnesses it may been seen that none has received any serious injury requiring admission/treatment at medical institute/hospital. He furnishes the CD for my perusal submitting fairly that the petitioners are close relation.

Ld. Advocate for the *defacto* complainant has appeared on strength of vokalatnama. He furnishes an original copy of discharge certificate dated 28.11.2025 issued by Suri Super Speciality Hospital in the name of Priti Roy (witness no.02 as per complaint) showing multiple superficial injuries. His further submission is that the elderly witness no.03, grandmother of the complainant & petitioner no.02, is a well known heart patient. She has been persistently threatened and humiliated by the petitioners on demand of money. He furnishes medical report of witness no.03. It is further submitted that the petitioners are threatening the complainant pressing for withdrawal of this case which has also been reported to the concerned I.C but of no result. He furnishes a copy of such report along with postal receipt dated 25.03.2026.

I have heard all sides.

Perused the C.D and also the T.C.R.

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Contd . . .order dt.09.04.2026

The documents submitted by the Ld. Lawyer for the *defacto* complainant are also perused.

Though it is on CD that no one has received any injury there is a discharge certificate in the name of complainant's witness no.02 showing multiple superficial injury. Considering background of family feud and the discrepancy in the statements recorded in CD and discharge certificate dated 28.11.2025 there appears reason to look into the matter further by the investigating officer. Since there is violation of mandatory provision of section 35(3) of BNSS, may be intentionally by the IO, but considering that the petitioners have volunteered to cooperate with investigation they may be admitted on anticipatory bail with certain conditions. Accordingly, prayer for anticipatory bail is **allowed**.

Hence, it is,

O r d e r e d

that in the event of arrest, petitioners, namely, (1) Bandana Roy @ Bandana Mishra and (2) Amit Roy, may be released on bail of Rs.10,000/- each with two sureties of Rs.5,000/- each, subject to the satisfaction of the Arresting Officer of this case on condition that the petitioners shall abide by the provision as laid down in section 482(2) of BNSS **with condition not to enter the locality and to furnish their present address to Ld. Trial Court and also to the IO.**

Let a copy of this order along with the T.C.R. of G.R. Case No.19 of 2026 be sent to the Ld. Chief Judicial Magistrate, Suri, Birbhum for information and taking necessary action.

Let another copy of this order be sent to the S.P, Birbhum for information.

CD be returned.

The Cr. Misc. Case is disposed of.

Dictated & corrected by me:
Sd/- Smt. Arti Sharma Roy,
Sessions Judge, Birbhum.

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Sessions Judge, Birbhum.
JO Code WB00149