

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 566 / 2026
CNR No. WBCB01-000996-2026

Order No. 4,
dated 04/06/2026

In the present application, the accused / petitioners namely **1) Monirul Haque, 2) Minarul Haque, 3) Nijanur @ Nija @ Achharullah Miah, 4) Chabedul Rahaman, 5) Habibar Rahaman, 6) Tomijuddin Miah @ Tafijuddin, 7) Masud Rana, 8) Rabiul Haque, 9) Mariom Bewa, 10) Nilima Bibi and 11) Elema Bibi** have filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Tufanganj P.S. Case No. 203 of 2026 dated 18/04/2026 under section 126(2), 115(2), 117(2), 118(2), 74, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 340 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 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 near relations of the complainant. They are innocent and over the issue of a simple incident of hot altercation and scuffling relating to the property dispute between the parties, this case has been filed against the accused persons with some false and fabricated allegations. Ld. advocate 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 118(2) or 74 of the B.N.S. So, he prays for bail of the accused / petitioners on any condition.

Ld. Public Prosecutor draws my attention to the discharge certificates of the victims appearing at page Nos. 29, 30, 31, statements of the de facto complainant recorded by the I.O. at page No. 5 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 discharge certificates of the victims, I find sufficient materials against the accused / petitioner Nos. 1 to 8 showing their involvement in the commission of the offence as alleged by the prosecution. Moreover, the discharge certificates shows that one of the victims was admitted to hospital for about three days due to severe injuries sustained by him.

(Contd....)

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Therefore, considering the above facts and the materials in the Case Diary, I am not inclined to grant anticipatory bail to the accused / petitioner Nos. 1 to 8 under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner No. 1 **Monirul Haque**, accused / petitioner No. 2 **Minarul Haque**, accused / petitioner No. 3 **Nijanur @ Nija @ Achharullah Miah**, accused / petitioner No. 4 **Chabedul Rahaman**, accused / petitioner No. 5 **Habibar Rahaman**, accused / petitioner No. 6 **Tomijuddin Miah @ Tafijuddin**, accused / petitioner No. 7 **Masud Rana** and accused / petitioner No. 8 **Rabiul Haque** is considered and **rejected**.

However, the accused / petitioner Nos. 9, 10 and 11 are the female accused persons. Since the accused / petitioner Nos. 9, 10 and 11 are female accused persons, I am of the opinion that their custodial interrogation is not necessary and as such, I am inclined to grant anticipatory bail in favour of the accused / petitioner Nos. 9, 10 and 11 under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner Nos. 9, 10 and 11 is **allowed**.

In the event of arrest, the accused / petitioner Nos. 9, 10 and 11 namely **Mariom Bewa, Nilima Bibi and Elema Bibi** 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