

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

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

**Bail Petition No. 94 / 2026**  
**CNR No. WBCB01-000161-2026**

**Order No. 5,**  
**dated 07/03/2026**

In the present application, the accused petitioner namely **Delowar Hossain** has filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Dinhata P.S. Case No. 14 of 2026 dated 12/01/2026 under section 329(4), 115(2), 109(1), 74, 351(2) of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 16 of 2026.

Learned advocates for the contesting parties are present.

Case Record of the learned 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 petitioner that prior to filing of the present application, he 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 petitioner who submits that the accused petitioner is completely innocent and the allegation brought against him are out and out false and no such incident had occurred at the behest of the petitioner which may attract the offence punishable under section 109(1) of the B.N.S. So, bail may be granted to the accused petitioner on any condition.

Ld. Public Prosecutor-in-charge draws my attention to the statement of the victim recorded under section 180 of the B.N.S.S. appearing at page No. 17 and leaves the matter to the discretion of this Court.

Perused the Case Diary and other material on record.

On perusal of the materials in the Case Diary, I do not find any direct allegation of assault against this accused petitioner. Moreover, there is no medical evidence to support the case of the prosecution. Considering the above, I am of the view that custodial interrogation of the accused petitioner is not necessary for the purpose of investigation and as such, I am inclined to allow the prayer for bail of the petitioner under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the petitioner is **allowed**.

(Contd.....)

Contd. Order No. 5,  
dated 07/03/2026

In the event of arrest, the accused petitioner namely **Delowar Hossain** may find bail of ₹ 3,000/- with two registered sureties of ₹ 1,500/- 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 learned Trial Court be returned at once.

Dictated and corrected by me,

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

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