

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 220 / 2026
CNR No. WBCB01-000401-2026

Order No. 3,
dated 07/03/2026

In the present application, the accused petitioners namely **1) Jaynal Hossain @ Jainal Miah, 2) Aynal Miah, 3) Jyosna Bibi @ Jochhna, 4) Bablu Miya** and **5) Fajlu Miya** have filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Sitai P.S. Case No. 275 of 2025 dated 28/11/2025 under section 126(2), 115(2), 117(2), 118(2), 109, 3(5) of the Bharatiya Nyaya Sanhita, corresponding to G.R. (I) Case No. 765 of 2025.

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 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 though their previous bail application under section 482 of the B.N.S.S. was rejected by this Court prior to filing of charge. 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 innocent and they have been falsely implicated in this case. Ld. Advocate further submits that custodial interrogation of the accused petitioners may not be required as in this case charge sheet has already been submitted. So, he prays for bail of the accused petitioners on any condition.

Ld. Public Prosecutor-in-charge has opposed the prayer referring to the materials in the Case Diary. He further submits that in this case charge sheet has already been submitted and prior to filing of charge sheet, an application for anticipatory bail of these accused petitioners was rejected by this Court on 23/12/2025.

Perused the Case Diary and other material on record.

On perusal of the Case Diary, I find that after completion of investigation, the I.O. has submitted charge sheet against the accused persons under section

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126(2), 115(2), 117(2), 109, 3(5) of the Bharatiya Nyaya Sanhita. Since the charge sheet has already been submitted, I find there no chance of tampering with the evidence and custodial interrogation of these accused petitioners are not required for the purpose of investigation.

So, considering the nature of offence and the fact of submission of charge sheet by the I.O., I am inclined to allow the prayer for bail of the petitioners under section 482 of the B.N.S.S.

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

In the event of arrest, the accused petitioners namely **1) Jaynal Hossain @ Jainal Miah, 2) Aynal Miah, 3) Jyosna Bibi @ Jochhna, 4) Bablu Miya and 5) Fajlu Miya** may find bail of ₹ 5,000/- each with two registered sureties of ₹ 2,500/- 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