

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 670 / 2026
CNR No. WBCB01-001163-2026

Order No. 2,
dated 09/06/2026

In the present application, the accused / petitioners namely **1) Shyamal Patowary, 2) Kalipada Patowary, 3) Sukumar Patowary @ Shyamapada Patowary and 4) Sukhnath Patowary @ Surendra Patowary** have filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Mathabhanga P.S. Case No. 47 of 2026 dated 25/01/2026 under section 126(2), 115(2), 117(2), 109, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 105 of 2026.

At this stage, Ld. Advocate appearing on behalf of accused / petitioners submits that he will not press the application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita in respect of accused / petitioner No. 2 **Kalipada Patowary** which has not been opposed by the Ld. Public Prosecutor-in-charge. An endorsement to that effect has been made on the application by the Ld. Advocate appearing on behalf of accused / petitioners.

Hence, prayer for anticipatory bail in respect of the petitioner No. 2 **Kalipada Patowary** is **rejected as not pressed**.

So, the bail petition is taken up for hearing only in respect of accused / petitioner Nos. 1, 3 and 7.

Ld. Advocates for the contesting parties are present.

Case Diary and Case Record of the Ld. Trial Court 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 was rejected by this Court prior to filing of charge sheet. Ld. 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 these accused / petitioners may not be required as in this case charge sheet has already been submitted. So, bail may be granted to the accused / petitioners on any condition.

Ld. Public Prosecutor has opposed the prayer referring to the injury report of the victim and other materials in the Case Diary. He also submits that in this case charge sheet has already been submitted and prior to filing of charge sheet, an application of these accused / petitioners was rejected by this Court.

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Perused the Case Diary and other material on record.

On perusal of the Case Diary as well as Trial Court Record, it appears that charge sheet has already been submitted by the I.O. against these accused / petitioners and other accused under section 162(2), 115(2), 117(2), 109, 351(2), 3(5) of the B.N.S. after completion of investigation.

Since, charge sheet has already been submitted after completion of investigation, I am of the opinion that further custodial interrogation of the present accused / petitioners is not necessary and as such, I am inclined to allow the prayer for bail of the accused / petitioner Nos. 1, 3 and 4 under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner Nos. 1, 3 and 4 is **allowed.**

In the event of arrest, the accused / petitioner Nos. 1, 3 and 4 namely **Shyamal Patowary, Sukumar Patowary @ Shyamapada Patowary and Sukhnath Patowary @ Surendra Patowary** may find bail of ₹ 5,000/- each with two registered sureties of ₹ 2,500/- each to the satisfaction of the Ld. Additional Chief Judicial Magistrate, Mathabhanga 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.

Case Diary be returned at once.

Dictated and corrected by me,

Sd/-
Sessions Judge ,
Cooch Behar.

Sd/- Nirvan Khesong
Sessions Judge,
Cooch Behar