

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 234 / 2026
CNR No. WBCB01-000443-2026

Order No. 3,
dated 19/03/2026

In the present application, the accused / petitioner namely **Hafijul Haque @ Hafijul Rahaman @ Hapijul Haque** has filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Boxirhat P.S. Case No. 17 of 2026 dated 08/01/2026 under section 137(2), 140(3), 3(5) of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 34 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 / 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 accused / petitioner who submits that the accused / petitioner is completely innocent and this case has been filed implicating the present accused / petitioner along with other accused persons with some false allegation. Ld. Advocate further submits that all other co-accused persons are already on bail and the present accused / petitioner has already complied with the notice under section 35(3) of the B.N.S.S. He also submits that the alleged victim girl has already been recovered and she made her statement before the Ld. Magistrate under section 183 of the B.N.S.S. So, he prays for bail of the accused / petitioner on any condition.

Ld. Public Prosecutor-in-charge has opposed the prayer referring to the statement of the victim girl made under section 183 of the B.N.S.S. and other materials in the Case Diary though the accused / petitioner has complied with the notice made under section 35(3) of the B.N.S.S.

Perused the Case Diary and other material on record.

Considering the materials in the Case Dairy as well as Case Record, I find that that the accused / petitioner herein has complied with the notice under section 35(3) of the B.N.S.S. The notice shows that the accused / petitioner has appeared before the concerned Police Officer and the I.O. did not arrest him as he had co-operated with the I.O. during investigation of this case. Since the I.O. did not arrest this accused / petitioner when he complied with the notice under section 35(3) of the B.N.S.S., this court is of the opinion that custodial interrogation of this accused / petitioner is not necessary for the purpose of investigation.

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So, considering the materials in the Case Diary, nature of offence as well as the fact of compliance of the notice under section 35(3) of the B.N.S.S. by the accused / petitioner herein, 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 accused / petitioner is **allowed**.

In the event of arrest, the accused / petitioner namely **Hafijul Haque @ Hafijul Rahaman @ Hapijul Haque** may find bail of ₹ 4,000/- 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.

The copy of document filed on behalf of petitioner be kept with the record.

Dictated and corrected by me,

Sd/-
Sessions Judge ,
Cooch Behar.

Sd/- Nirvan Khesong
Sessions Judge,
Cooch Behar