

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 238 / 2026
CNR No. WBCB01-000448-2026

Order No. 3,
dated 23/03/2026

In the present application, the accused / petitioners namely **1) Enchhar Ali Miah, 2) Firddous Ali @ Miah, 3) Umar Ali @ Miah, 4) Majina Bibi, 5) Ujur Ali @ Miah, 6) Sabana Khatun @ Bibi, 7) Kashem Miah @ Ali, 8) Vola Miah @ Bhola Mia, 9) Jarina Bibi and 10) Jabbar Ali Miah** have filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Sahebganj P.S. Case No. 60 of 2026 dated 09/02/2026 under section 126(2), 117(2), 109(1), 118(1), 115(2), 74, 3(5) of the Bharatiya Nyaya Sanhita, corresponding to G.R. (I) Case No. 62 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-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 neighbours of the complainant. They are completely innocent and over the issue of an incident relating to land dispute between the parties, this case has been filed against the accused / petitioners with some false and fabricated allegations. She further 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 109(1) or 118(1) or 74 of the B.N.S. So, she prays for bail of the accused / petitioners on any condition.

Ld. Public Prosecutor-in-charge has opposed the prayer referring to the injury report of the injured victim, statement of the witnesses recorded under section 180 of the B.N.S.S and other materials in the Case Diary and opposed the prayer.

Perused the Case Diary including injury report and other material on record.

On perusal of the Case Diary, especially the injury report of the injured / victim, I find sufficient materials against all the accused persons showing their involvement in the commission of the alleged offence.

Considering the materials in the Case Diary and the injury report of the injured / victim, I am not inclined to grant bail to the male accused / petitioners being petitioner Nos. 1, 2, 3, 5, 7, 8 and 10 under section 482 of the B.N.S.S.

(Contd....)

Contd. Order No. 3,
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Hence, prayer for anticipatory bail of the accused / petitioner Nos. 1, 2, 3, 5, 7, 8 and 10 namely **Enchhar Ali Miah, Firddous Ali @ Miah, Umar Ali @ Miah, Ujur Ali @ Miah, Kashem Miah @ Ali, Vola Miah @ Bhola Mia** and **Jabbar Ali Miah** is considered and **rejected**.

However, considering the materials in the Case Diary and since the accused / petitioner Nos. 4, 6 and 9 herein are female, I am inclined to allow their prayer for bail under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner Nos. 4, 6 and 9 is **allowed**.

In the event of arrest, the accused / petitioner Nos. 4, 6 and 9 namely **Majina Bibi, Sabana Khatun @ Bibi** and **Jarina 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