

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 243 / 2026
CNR No. WBCB01-000457-2026

Order No. 4,
dated 02/04/2026

In the present application, the accused / petitioners namely **1) Ayub Miah, 2) Bakkar Miah @ Abu Bakkar Mia, 3) Ramecha Bibi @ Amicha Bibi 4) Tamena Bibi @ Tahamina Khatun Bibi** and **5) Rasid Miah @ Abu Rashid Miya @ Abdul Rashid Miya** have filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Dinhata Women P.S. Case No. 14 of 2026 dated 12/02/2026 under section 85, 117(2), 109(1), 3(5) of the Bharatiya Nyaya Sanhita read with section 3/4 of the D.P. Act, corresponding to G.R. Case No. 61 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 the husband and other in-laws of the victim. In this case the main allegation is against the husband of the victim i.e. the accused / petitioner No. 1 herein and there is no direct allegation in the FIR against the rest accused / petitioners in respect of the offence punishable under section 109(1) of the B.N.S. Ld. Advocate further submits that the accused / petitioners are completely innocent and over the issue of matrimonial dispute between the victim and her husband i.e. the petitioner No. 1 herein, this case has been filed against all the accused persons. So, bail may be granted to all the accused / petitioners on any condition.

Ld. Public Prosecutor-in-charge draws my attention to the injury report of the victim, statement of the witnesses made under section 180 of the B.N.S.S. appearing in the Case Diary and other materials available therein and has mainly opposed the prayer in respect of the accused / petitioner No. 1 who happens to be the husband of the victim.

Perused the Case Diary and other material on record.

Considering the materials in the Case Diary and injury report of the victim, I find sufficient materials of torture and assault against the accused / petitioner No. 1 *Ayub Miah*

who is the husband of the victim. However, other accused / petitioner Nos. 2 to 5 are the co-accused persons being in-laws of the victim and there is no serious allegation against them.

(Contd....)

Contd. Order No. 4,
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Considering the materials in the Case Diary and also the gravity of the offence, I am not inclined to grant bail to the accused / petitioner No. 1 namely *Ayub Miah* under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner No. 1 namely **Ayub Miah** is considered and **rejected**.

However, the accused / petitioner Nos. 2 to 5 are the in-laws of the victim and they have played a very little role in the commission of the alleged offence, I am of the opinion that their custodial interrogation for the purpose of investigation is not necessary and as such, I am inclined to allow the prayer for bail of the accused / petitioner Nos. 2 to 5 under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner Nos. 2 to 5 is **allowed**.

In the event of arrest, the accused / petitioner Nos. 2 to 5 namely **Bakkar Miah @ Abu Bakkar Mia, Ramecha Bibi @ Amicha Bibi Tamena Bibi @ Tahamina Khatun Bibi** and **Rasid Miah @ Abu Rashid Miya @ Abdul Rashid Miya** 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