

**IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR**

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

**Bail Petition No. 255 / 2026**  
**CNR No. WBCB01-000474-2026**

**Order No. 4,**  
**dated 06/04/2026**

In the present application, the accused / petitioners namely **1) Mariyam Khatun,** **2) Rajib Hossain @ Moajjem Hossain** and **3) Islam Hossain** have filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Kotwali P.S. Case No. 68 of 2026 dated 29/10/2026 under section 126(2), 115(2), 117(2), 118(2), 109(1), 74, 304(2), 3(5) of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 149 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 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 a simple incident of hot altercation and scuffling between the parties regarding boundary dispute, this case has been filed against the accused persons with some false and fabricated allegations. Ld. advocate 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 118(2), 109(1) or 74 of the B.N.S. So, he prays for bail of the accused / petitioners on any condition.

Ld. Public Prosecutor has opposed the prayer referring to the medical documents of the victim appearing at page Nos. 22, 24, statement of the witnesses recorded under section 180 of the B.N.S.S at page Nos. 8, 18 and other materials in the Case Diary and has opposed the prayer.

Perused the Case Diary and other material on record.

Considering the materials in the Case Diary, especially the injury report of the injured / victim, I find sufficient materials against the accused / petitioner Nos. 2 and 3 showing their involvement in the commission of the alleged offence.

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. 2 **Rajib Hossain @ Moajjem Hossain** and accused / petitioner No. 3 **Islam Hossain** under section 482 of the B.N.S.S.

(Contd....)

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Hence, prayer for anticipatory bail of the accused / petitioner Nos. 2 and 3 namely **Rajib Hossain @ Moajjem Hossain** and **Islam Hossain** is considered and **rejected**.

However, considering the materials in the Case Diary and since the accused / petitioner No. 1 herein is female accused person, I am inclined to allow her prayer for bail under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner No. 1 is **allowed**.

In the event of arrest, the accused / petitioner No. 1 namely **Mariyam Khatun** 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.

Dictated and corrected by me,

**Sd/-**  
Sessions Judge ,  
Cooch Behar.

**Sd/- Nirvan Khesong**  
Sessions Judge,  
Cooch Behar