

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 287 / 2026
CNR No. WBCB01-000523-2026

Order No. 2,
dated 07/03/2026

In the present application, the accused petitioners namely **1) Majidul Haque @ Babu, 2) Sahidul Haque @ Mintu Haque, 3) Hafizur Rahaman, 4) Abdul Rasid, 5) Ayub Haque @ Belu, 6) Fazlul Haque, 7) Golam Rabbani, 8) Mafijar Rahaman @ Mafi** and **9) Aminul Haque @ Aminur** have filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita corresponding to section 438 of the Criminal Procedure Code for granting anticipatory bail in connection with Dinhata P.S. Case No. 381 of 2023 dated 14/07/2023 under section 448, 341, 326, 307, 427, 354, 506, 34 of the Indian Penal Code and read with section 25/27/35 of the Arms Act, corresponding to G.R. Case No. 417 of 2023.

Learned advocates for the contesting parties are present.

Case Record of the learned 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 438 of the Criminal Procedure Code or 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 under section 438 Cr.P.C. was rejected by this Court prior to filing of charge. 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 innocent and they have been falsely implicated in this case. Ld. Advocate further submits that custodial interrogation of the accused petitioners may not be required as in this case charge sheet has already been submitted. So, he prays for bail of the accused petitioners on any condition.

Ld. Public Prosecutor-in-charge has opposed the prayer referring to the injury report and other materials in the Case Diary. He further 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.

(Contd.....)

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Perused the Case Diary and other material on record.

On perusal of the Case Record, I find that after completion of investigation, the I.O. has submitted charge sheet against the accused persons under section 448, 341, 326, 307, 427, 354, 506, 34 of the Indian Penal Code and read with section 25/27/35 of the Arms Act. Since the charge sheet has already been submitted, I am of opinion that custodial interrogation of these accused petitioners are not required.

So, considering the nature of offence and the fact of submission of charge sheet by the prosecution, I am inclined to allow the prayer for bail of the petitioners under section 482 of the B.N.S.S. corresponding to section 438 of the Criminal Procedure Code.

Hence, prayer for anticipatory bail of all the petitioners is **allowed**.

In the event of arrest, the accused petitioners namely **1) Majidul Haque @ Babu, 2) Sahidul Haque @ Mintu Haque, 3) Hafizur Rahaman, 4) Abdul Rasid, 5) Ayub Haque @ Belu, 6) Fazlul Haque, 7) Golam Rabbani, 8) Mafijar Rahaman @ Mafi and 9) Aminul Haque @ Aminur** may find bail of ₹ 5,000/- each with two registered sureties of ₹ 2,500/- 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. corresponding to section 438 Cr.P.C.

Thus, the bail petition is disposed of.

Case Diary and the Case Record of the learned Trial Court be returned at once.

Dictated and corrected by me,

Sd/-
Sessions Judge ,
Cooch Behar.

Sd/- Nirvan Khesong
Sessions Judge,
Cooch Behar