

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

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

**Bail Petition No. 291 / 2026**  
**CNR No. WBCB01-000526-2026**

**Order No. 4,**  
**dated 10/04/2026**

In the present application, the accused / petitioners namely **1) Abdul Kader, 2) Hajrat Ali @ Hadrat Ali, 3) Saddam Hossain** and **4) Mofijul Haque @ Mofidul Hoque** 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. 139 of 2026 dated 22/02/2026 under section 329(4), 115(2), 117(2), 118(2), 74, 109, 3(5) of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 272 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 innocent and they have been falsely implicated in this case. Ld. advocate further submits that no such incident had allegedly occurred at the behest of any of the petitioners herein which may attract the offence under section 118(2) or 109 of the B.N.S.S. So, he prays for bail of the accused / petitioners on any condition.

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

Perused the Case Diary and other materials on record.

Considering the materials in the Case Diary, I find that there are sufficient materials present showing involvement of the accused / petitioner Nos. 1, 2 and 4 in the commission of the alleged offence.

So, considering the gravity of the offence as well as materials in the Case Diary, especially the injuries sustained by the victim, I am not inclined to grant bail to the accused / petitioner Nos. 1, 2 and 4 namely *Abdul Kader, Hajrat Ali @ Hadrat Ali, and Mofijul Haque @ Mofidul Hoque* under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner Nos. 1, 2 and 4 namely **Abdul Kader, Hajrat Ali @ Hadrat Ali, and Mofijul Haque @ Mofidul Hoque** is considered and **rejected**.

(Contd....)

Contd. Order No. 4,  
dated 10/04/2026

However, considering the materials in the Case Diary, I do not find any direct allegation of assault against the accused / petitioner No. 3 Saddam Hossain Das in the Case Diary.

Considering the materials in the Case Diary and the role played by the accused / petitioner No. 3 in the commission of the alleged offence, I am inclined to allow his prayer for bail under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner No. 3 is **allowed**.

In the event of arrest, the accused / petitioner No. 3 namely **Saddam Hossain** 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