

Bail Petition No. 298 / 2026
CNR No. WBCB01-000536-2026

POCSO (PTN) No. P000239 of 2026

Present : **Sri Nirvan Khesong,**
Sessions Judge-in-charge of
Judge Special Court-cum-A.D.J. 2nd Court,
Cooch Behar (J.O. Code WB00662)

Order No. 3,
dated 07/03/2026

In the present application, the accused petitioner namely **Bivas Dey @ Bibhash Chandra Dey** has filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Pundibari P.S. Case No. 114 / 2026 dated 17/02/2026, under section 8 of the POCSO Act.

Learned advocate for the accused petitioner submits that prior to filing of the present application, the petitioner did not file any application under section 482 of the Bharatiya Nagarik Suraksha Sanhita before the Hon'ble High Court or any other superior Court, and or, no such application is pending or there was no rejection of the such prayer by the Hon'ble Court. The aforesaid facts are stated in the application supported by an affidavit. Learned Public Prosecutor-in-charge contends that there is no indication in the Case Diary in disputing the aforesaid facts.

Learned advocate for the accused petitioner submits that the present petitioner is innocent and he has been falsely implicated in this case. So, he prays for bail of the petitioners on any condition.

Learned Public Prosecutor-in-charge draws attention of this Court to the statement of the victim recorded under section 183 of the B.N.S.S. and other materials in the Case Diary and has opposed the prayer for bail.

The defacto complainant has appeared in the Court and she raised strong objection against the prayer for anticipatory bail.

Heard both sides.

Perused the C.D. and other materials available on record, specially statement of the victim girl.

From the materials available in the C.D. against the accused, I find sufficient materials showing his involvement in the commission of offence.

Considering the materials in the C.D. and nature of offence, at this stage, I am not inclined to allow the prayer for anticipatory bail of the petitioner under section 482 of the Bharatiya Nagarik Suraksha Sanhita.

Accordingly, the prayer for anticipatory bail of the petitioner stands **rejected**.

Thus, the bail petition is disposed of.

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

A copy of this order be tagged with the Original record.

Let the record of Bail Petition No. 298 of 2026 of this be tagged with the original record of POCSO Case PTN No. 239/2026.

Dictated & Corrected,

Sd/- Nirvan Khesong,
Judge POCSO Court-Cum-
Addl. Sess. Judge, 2nd Court
Cooch Behar-in-charge.

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Judge POCSO Court-Cum-
Addl. Sess. Judge, 2nd Court
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