

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 306 / 2026
CNR No. WBCB01-000544-2026

Order No. 3,
dated 07/04/2026

In the present application, the accused / petitioners namely **1) Ajima Khatun @ Ajima Bibi** and **2) Rajib Haque** have filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Tufanganj P.S. Case No. 104 of 2026 dated 17/02/2026 under section 126(2), 115(2), 109, 74, 303(2), 324(4), 351(2), 3(5) of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 160 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 in this case the main allegation is against the FIR named accused No. 1 who is already on bail after being in J/C for about 7 days. Present accused / petitioners are the wife and son of the said principal accused. They are completely innocent and over the issue of a simple incident of hot altercation and scuffling between the families of two brothers regarding property dispute, this case has been filed against all the accused persons with some false and fabricated allegations. So, bail may be granted to the present accused / petitioners on any condition.

Ld. Public Prosecutor draws my attention to the statement of the victim lady recorded under section 183 of the B.N.S.S. appearing at page No. 24 of the Case Diary and other materials available therein and has opposed the prayer.

Perused the Case Diary and other material on record.

Considering the materials in the case record as well as Case Diary, I find that the present accused / petitioners are the wife and son of the principal accused person and there is no direct allegation against these two accused / petitioners.

Considering the role played by these two accused / petitioners in the commission of the alleged offence and the materials available in the Case Diary, I am of the opinion that custodial interrogation of these two accused / petitioners is not necessary and as such, I am inclined to allow their prayer for anticipatory bail under section 482 of the B.N.S.S.

(Contd....)

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Hence, prayer for anticipatory bail of both the accused / petitioners is **allowed**.

In the event of arrest, the accused / petitioners namely **1) Ajima Khatun @ Ajima Bibi** and **2) Rajib Haque** 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