

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 314 / 2026
CNR No. WBCB01-000556-2026

Order No. 3,
dated 24/03/2026

In the present application, the accused / petitioner namely **Majnu Miah** has 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 Ghoksadanga P.S. Case No. 219 of 2024 dated 11/05/2024 under section 364A of the Indian Penal Code, corresponding to G.R. Case No. 695 of 2024.

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 / petitioner that prior to filing of the present application, he 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. 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 / petitioner who submits that the present accused / petitioner is innocent and he has been falsely implicated in this case. Ld. Advocate further submits that custodial interrogation of this accused / petitioner may not be required as in this case charge sheet has already been submitted and one of the co-accused person is already on bail. So, he prays for bail of the present accused / petitioner on any condition.

Ld. Public Prosecutor-in-charge has opposed the prayer referring to the statements of the victim recorded under section 164 Cr.P.C. and other materials in the Case Diary. He also submits that in this case charge sheet has already been submitted.

Perused the Case Diary and other material on record.

On perusal of the Case Diary and Case Record, I find that this accused / petitioner is the principal accused as well as mastermind of the entire incident and he was the person who led a vital role in kidnapping the victim. On perusal of the materials in the Case Diary, especially the statement of the victim, I find sufficient materials against this accused / petitioner showing his involvement in the commission of the alleged offence. Moreover, charge sheet has been submitted against this accused / petitioner along with other co-accused persons under section 364A of the Indian Penal Code.

Considering the materials in the Case Diary and since this accused / petitioner is the principal accused person of this case and also considering the gravity of the offence as well

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as fact of submission of charge sheet, I am of the opinion that custodial trial of this accused / petitioner is necessary and as such, I am not inclined to grant bail of this accused / petitioner under section 482 of the B.N.S.S. corresponding to Section 438 Cr.P.C.

Hence, prayer for anticipatory bail of the accused / petitioner is considered and **rejected**.

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