

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 319 / 2026
CNR No. WBCB01-000562-2026

Order No. 2,
dated 07/03/2026

In the present application, the accused petitioners namely **1) Subhash Barman, 2) Amal Barman, 3) Dwajen Barman** and **4) Gouri Barman** 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. 147 / 2026 dated 25/02/2026, under sections 329(2), 126(2), 115(2), 74, 351(2), 303(2), 3(5) of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 288 of 2026.

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 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 petitioners who submits that the accused petitioners are completely innocent and over the issue of a simple incident of hot altercation and scuffling relating to property dispute, this case has been filed against the petitioners with some false and exaggerated allegations. Ld. Advocate further submits that all the offences under investigation are triable by the Court of Ld. Magistrate and no such incident had allegedly occurred at the behest of any of the accused persons which may attract the offence punishable under section 74 or 303(2) of the B.N.S. So, bail may be granted to the petitioners on any condition.

Ld. Public Prosecutor-in-charge draws my attention to one Emergency Ticket appearing at page No. 4, statement of the witnesses recorded under section 180 of the B.N.S.S. and other materials in the Case Diary and has opposed the prayer. He further submits that though notice has been issued to the petitioners under section 35(3) of the B.N.S.S. but the same has not been complied with.

Perused the Case Diary and other material on record.

(Contd.....)

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On perusal of the Case Diary, especially the injury report of the victim and the contents of the FIR, I find sufficient materials present against all the accused petitioners showing their involvement in commission of the alleged offence.

So, considering the nature of allegation, materials in the Case Diary including injury report of the victim, at this stage, I am not inclined to allow the prayer for bail of the petitioners under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of all the petitioners is considered and **rejected.**

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