

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 342 / 2026
CNR No. WBCB01-000592-2026

Order No. 3,
dated 02/04/2026

In the present application, the accused / petitioners namely **1) Sahibul Miah @ Sahidul Miah** and **2) Abul Kashim** have filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Pundibari P.S. Case No. 86 of 2026 dated 04/02/2026 under section 329(4), 115(2), 117(2), 74, 303(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 174 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 the accused / petitioners are neighbours. They are completely innocent and they have been falsely implicated in this case. Ld. Advocate further submits that there was a free fight between the parties regarding long pending land dispute between them and over the issue of said incident there is also a counter case filed by the side of the petitioners herein against the side of the complainant of the present case and no such incident allegedly occurred at the behest of the accused / petitioners which may attract the offence under section 74 or 303(2) of the B.N.S. Ld. Advocate further submits that another co-accused person has already been arrested and subsequently released on bail. So, bail may be granted to the present accused / petitioners on any condition.

Ld. Public Prosecutor draws my attention to the injury report of the victim, statement of the witnesses recorded under section 180 of the B.N.S.S. and other materials available in the Case Diary and has opposed the prayer.

Perused the Case Diary and other material on record.

On perusal of the case record and on hearing of the submissions made by the Ld. Defence counsel, I find that this case is the counter case against the case filed by this accused persons against the son of the de facto complainant of the present case.

(Contd....)

Contd. Order No. 3,
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Considering the materials in the Case Diary and the injury report of the victim, I am of the opinion that custodial interrogation of the present accused / petitioners is not necessary and as such, I am inclined to allow the prayer for anticipatory bail of the present accused / petitioners under section 482 of the B.N.S.S.

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

In the event of arrest, the accused / petitioners namely **1) Sahibul Miah @ Sahidul Miah** and **2) Abul Kashim** 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