

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 353 / 2026
CNR No. WBCB01-000607-2026

Order No. 3,
dated 06/04/2026

In the present application, the accused / petitioners namely **1) Bikram Das, 2) Shakti Das** and **3) Niranjan Patni @ Das** have filed an application under section 438 of the Criminal Procedure Code for granting anticipatory bail in connection with Pundibari P.S. Case No. 489 of 2023 dated 26/07/2023 under section 341, 323, 326, 307, 506, 34 of the Indian Penal Code, corresponding to G.R. Case No. 1344 of 2023.

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 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. Ld. 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 / petitioners who submits that the accused / petitioners are innocent and they have been falsely implicated in this case. Ld. Advocate further submits that custodial interrogation of the accused / petitioners may not be required as in this case charge sheet has already been submitted by the I.O. after completion of investigation. So, bail may be granted to the accused / petitioners on any condition.

Ld. Public Prosecutor-in-charge has opposed the prayer referring to the injury report of the victim 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 as well as Trial Court Record, I find that after completion of investigation, the I.O. has submitted charge sheet against these accused / petitioners along with another accused person under section 341, 325, 326, 307, 506, 34 of the Indian Penal Code. Since, charge sheet has already been submitted after completion of investigation, further custodial interrogation of these accused / petitioners is not necessary.

Now, considering the factum of submission of charge sheet by the I.O. after completion of investigation and the nature of offence, I am inclined to allow the prayer for bail of the accused / petitioners under section 438 of the Criminal Procedure Code.

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

(Contd.....)

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In the event of arrest, the accused / petitioners namely **1) Bikram Das, 2) Shakti Das and 3) Niranjan Patni @ Das** may find bail of ₹ 4,000/- with two registered sureties of ₹ 2,000/- each to the satisfaction of the Ld. Chief Judicial Magistrate, Sadar, Cooch Behar subject to fulfillment of the conditions as enumerated in Section 438 (2) Cr.P.C. corresponding to 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