

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 402 / 2026
CNR No. WBCB01-000703-2026

Order No. 4,
dated 05/05/2026

In the present application, the accused / petitioner namely **Lingkon Mitra** has filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Pundibari P.S. Case No. 812 of 2025 dated 23/09/2025 under section 189(2), 126(2), 221, 132, 121(1), 324(4) of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 1680 of 2025.

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 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 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 in the instant case, seven accused persons have been arrested at the spot and subsequently released on bail by the Ld. CJM, Cooch Behar on the very first date of their production. Present accused / petitioner is completely innocent. He was no-way involved with the alleged offence and he has been falsely implicated in this case. Moreover, no notice was issued to this accused / petitioner under section 35(3) of the B.N.S.S. though punishment for the offences under investigation is less than 7 years imprisonment. So, bail may be granted to the present accused / petitioner on any condition.

Ld. Public Prosecutor draws my attention to the injury reports of the injured victims, statement of the witnesses made under section 180 of the B.N.S.S. and other materials in the Case Diary and has opposed the prayer.

Perused the Case Diary and other material on record.

Considering the materials in the Case Diary and the injury reports of the victims, I find that there is no direct allegation of assault against this accused / petitioner and the victims had sustained only bodily pain at the time of incident as alleged and there is no serious injury suffered by the victim. It also appears from the record that the FIR named accused persons who were arrested at the spot have already been granted bail by the Court of Ld. CJM, Cooch Behar.

Considering the materials in the Case Diary and the nature of injuries sustained by the victims, I am of the opinion that custodial interrogation of the present accused / petitioner is not necessary and as such, I am inclined to grant anticipatory bail to the present accused / petitioner under section 482 of the Bharatiya Nagarik Suraksha Sanhita.

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

In the event of arrest, the accused / petitioner namely **Lingkon Mitra** may find bail of ₹ 4,000/- 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