

**IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR**

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

**Bail Petition No. 409 / 2026**  
**CNR No. WBCB01-000711-2026**

**Order No. 3,**  
**dated 31/03/2026**

In the present application, the accused / petitioners namely **1) Birendra Sarkar, 2) Mayarani Sarkar, 3) Anita Sarkar, 4) Bimal Chandra Sarkar** and **5) Biswajit Sarkar** have filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Mathabhanga P.S. Case No. 181 of 2026 dated 11/03/2026 under section 85, 115(2), 117(2), 109, 3(5) of the Bharatiya Nyaya Sanhita read with section 3/4 of the D.P. Act, corresponding to G.R. Case No. 384 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 in this case the main allegation is against the husband of the victim who is now in custody. Present accused / petitioners are the parents and other family members of the said principal accused. They are completely innocent and no-way involved with the offences as alleged. So, bail may be granted to the present accused / petitioners on any condition.

Ld. Public Prosecutor draws my attention to the statement of the victim recorded under section 183 of the B.N.S.S. appearing at page No. 37 of the Case Diary and other materials available therein and has opposed the prayer.

Perused the Case Diary and other material on record.

On perusal of the Case Diary and other materials on record, I find that there is allegation against the principal accused / husband of the victim showing his involvement in the commission of the alleged crime as per the instigation of these five co-accused persons. However, there is no direct allegation of assault or attempt to commit murder against these accused persons. Moreover, these accused persons are the in-laws of the victim.

Considering the materials in the Case Diary, nature of offence and the involvement of the present accused / petitioners in the commission of the offence, I am inclined to allow their prayer for anticipatory bail under section 482 of the B.N.S.S.

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

(Contd....)

Contd. Order No. 3,  
dated 31/03/2026

In the event of arrest, the accused / petitioners namely **1) Birendra Sarkar, 2) Mayarani Sarkar, 3) Anita Sarkar, 4) Bimal Chandra Sarkar** and **5) Biswajit Sarkar** 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