

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 412 / 2026
CNR No. WBCB01-000715-2026

Order No. 2,
dated 02/04/2026

In the present application, the accused / petitioner namely **Mithun Miah @ Mithun Hoque @ Liton Ali** has filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita, corresponding to section 438 of the Criminal Procedure Code for granting anticipatory bail in connection with Sahebganj P.S. Case No. 338 of 2018 dated 25/07/2018 under section 147, 148, 149, 307, 436, 427 of the Indian Penal Code, corresponding to G.R. Case No. 363 of 2018.

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 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. Learned 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 the present accused / petitioner is innocent and he has been falsely implicated in this case. Ld. Advocate further submits that in this case charge sheet has already been submitted and most of the co-accused persons are on bail. So, bail may be granted to the present accused / petitioner on any condition.

Ld. Public Prosecutor has opposed the prayer referring to the statements of the witnesses recorded under section 161 Cr.P.C. 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 Record as well as Case Diary, I find that after completion of investigation, charge sheet has already been submitted against this accused / petitioner along with other co-accused persons under section 147, 148, 149, 307, 436, 427 of the Indian Penal Code and all other co-accused persons are already on bail.

Considering the fact of submission of charge sheet after completion of investigation and since all other co-accused persons are on bail, I am of the opinion that custodial interrogation / trial of this accused / petitioner is not necessary in this case and as such, I am inclined to allow the prayer for bail of the present accused / petitioner under section 482 of

the Bharatiya Nagarik Suraksha Sanhita corresponding to section 438 of the Criminal Procedure Code.

(Contd.....)

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

In the event of arrest, the accused / petitioner namely **Mithun Miah @ Mithun Hoque @ Liton Ali** may find bail of ₹ 4,000/- with two registered sureties of ₹ 2,000/- each to the satisfaction of the Ld. A.C.J.M., 2nd Court, Dinhata subject to fulfillment of the conditions as enumerated in Section 438 (2) of the Indian Penal Code 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