

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 645 / 2026
CNR No. WBCB01-001130-2026

Order No. 2,
dated 05/06/2026

In the present application, the accused / petitioners namely **1) Asmina Begam, 2) Sadikur Rahaman** and **3) Asif Aktar** 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. 312 of 2026 dated 13/05/2026 under section 448, 386, 427, 506, 34 of the Indian Penal Code, corresponding to G.R. Case No. 679 of 2026.

Ld. Advocates for the contesting parties are present.

Case Record of the Ld. Trial Court has not been produced but Case Diary has been produced today.

As Case Diary has been produced, then, on consent of both the parties, the application is taken up for hearing only on the basis of the Case Diary in absence of Case Record of the Ld. Trial Court.

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 completely innocent. They were no-way involved with the offence as alleged and out of grudge with regard to political dispute, this case has been filed implicating the accused / petitioners with some false allegations. More over the complaint has been lodged after a long period without any justifiable explanation. So, he prays for bail of the accused / petitioners on any condition.

Ld. Public Prosecutor has opposed the prayer referring to the statements 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.

On perusal of the Case Diary, I find that the alleged incident of extortion took place in the year 2024 and the alleged incident of demolition of the house of the complainant occurred in the year 2021. It also appears that the alleged incident was occurred out of political dispute and grudge.

Considering the date of the incident and filing of written complaint, I find that there is delay of about two years in lodging the FIR.

Considering the above and the nature of offence, I am of the opinion that custodial interrogation of the accused / petitioners is not necessary and as such, I am inclined to allow the prayer for bail of the accused / petitioners under section 482 of the B.N.S.S.

Contd. Order No. 2,
dated 05/06/2026

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

In the event of arrest, the accused / petitioners namely **1) Asmina Begam, 2) Sadikur Rahaman** and **3) Asif Aktar** may find bail of ₹ 5,000/- each with two registered sureties of ₹ 2,500/- 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 be returned at once.

Dictated and corrected by me,

Sd/-
Sessions Judge ,
Cooch Behar.

Sd/- Nirvan Khesong
Sessions Judge,
Cooch Behar