

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

**Bail Petition No. 657 / 2026
CNR No. WBCB01-001150-2026**

**Order No. 3,
dated 02/07/2026**

Today is fixed for personal appearance of the I.C. Dinhata P.S. along with Case Diary.

Ld. Advocates for the contesting parties are present.

In compliance with the order No. 2, dated 06/06/2026, today the I.O. of this case has appeared before this Court and produced the Case Diary. The I.O. has also submitted an explanation through Ld. Public Prosecutor showing cause for non-production of the Case Diary on 06/06/2026.

Perused the explanation submitted by the I.O. of the case which is found satisfactory. Let the same be kept with the record.

Accordingly, personal appearance of the I.O. is dispensed with.

They are cautioned to be diligent in future.

As the Case Record of the Ld. Trial Court and Case Diary have been produced, the Bail Petition is taken up for hearing.

In the present application, the accused / petitioner namely **Prakash Chandra Kalowar** has filed an application under section 438 Cr.P.C., corresponding to section 482 of the B.N.S.S. for granting anticipatory bail in connection with Dinhata P.S. Case No. 148 of 2022 dated 22/03/2022 under section 341, 323, 325, 307, 427, 506, 34 of the Indian Penal Code read with section 25(1-A) / 35 of the Arms Act, corresponding to G.R. Case No. 163 of 2022.

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 Cr.P.C. 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 / petitioners who submits that the present accused / petitioner is innocent and over the issue of political dispute and grudge, this case has been filed implicating this accused / petitioner along with other accused persons with some false allegation. Ld. Advocate further submits that no such incident had allegedly occurred at the behest of this accused / petitioner which may attract the offence under section 307 of the I.P.C. So, bail may be granted to these accused / petitioner on any condition.

Ld. Public Prosecutor draws my attention to the Bed Head Ticket of the victim, statements of the witnesses and other materials in the Case Diary and has opposed the prayer.

(Contd....)

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Perused the Case Diary and other material on record.

Considering the materials in the Case Diary, especially the injury report of the victim, I find sufficient materials in the Case Diary against this accused / petitioner showing his involvement in the commission of the offence. The statement of the witnesses recorded by the I.O. clearly shows the name of this accused / petitioner who assaulted the victim with lathi.

Considering the materials in the Case Diary and the injury report of the victim, I am of the opinion that custodial interrogation of the present accused / petitioner is necessary and as such, I am not inclined to grant anticipatory bail in favour of this accused / petitioner under section 482 of the B.N.S.S. corresponding to section 438 Cr.P.C.

Hence, prayer for anticipatory bail of the accused / petitioner is considered and **rejected**.

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