

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

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

**Bail Petition No. 663 / 2026**  
**CNR No. WBCB01-001156-2026**

**Order No. 2,**  
**dated 09/06/2026**

In the present application, the accused / petitioners namely **1) Md. Amtulla @ Amatulla, 2) Md. Mahasin @ Muhasin, 3) Sharifa Bibi @ Mohasena Bibi, 4) Arpina Khatun @ Bachecha Bibi** and **5) Md. Rezaul Haque @ Bachcha Md.** have filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Kuchlibari P.S. Case No. 16 of 2026 dated 22/02/2026 under section 126(2), 115(2), 117(2), 109(1), 3(5) of the Bharatiya Nyaya Sanhita.

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.

In such circumstances, 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-in-charge 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 innocent. There is a long pending land dispute between the parties and over the issue of a dispute relating to said land dispute, this case has been against the accused persons with some false and fabricated allegations. Ld. Advocate further submits no such incident had allegedly occurred at the behest of any of the accused / petitioners herein which may attract the offence under section 109(1) of the B.N.S. and that there is also a counter case filed against the side of the complainant herein over the issue of self same incident. So, bail may be granted to the present accused / petitioners on any condition.

Ld. Public Prosecutor has opposed the prayer referring to the injury report of the victim, Statements of the witnesses recorded under section 180 of the B.N.S.S. and other materials available in the Case Diary.

Perused the materials available in the Case Diary.

Considering the materials in the Case Diary and the injury report of the injured / victim, I find sufficient materials against the accused / petitioner Nos. 1 and 2 herein showing their involvement in the commission of the offence.

(Contd....)

Contd. Order No. 2,  
dated 09/06/2026

Therefore, considering the above facts and the materials in the Case Diary, I am of the opinion that custodial interrogation of the accused / petitioner No. 1 *Md. Amtulla @ Amatulla* and the accused / petitioner No. 2 *Md. Mahasin @ Muhasin* is necessary and as such, I am not inclined to grant bail to the accused / petitioner Nos. 1 and 2 under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioners No. 1 *Md. Amtulla @ Amatulla* and the accused / petitioner No. 2 *Md. Mahasin @ Muhasin* is considered and **rejected**.

So far the accused / petitioner Nos. 3, 4 and 5 are concerned, there is no direct allegation of assault against them and the only allegation against them is that they were present at the spot.

Considering the above fact, I am of the opinion that custodial interrogation of the accused / petitioner Nos. 3, 4 and 5 is not necessary as such, I am inclined to allow their prayer for bail under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner Nos. 3, 4 and 5 is **allowed**.

In the event of arrest, the accused / petitioner Nos. 3, 4 and 5 namely *Sharifa Bibi @ Mohasena Bibi, Arpina Khatun @ Bachecha Bibi* and *Md. Rezaul Haque @ Bachcha Md.* 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 be returned at once.

Dictated and corrected by me,

**Sd/-**  
Sessions Judge,  
Cooch Behar.

**Sd/- Nirvan Khesong**  
Sessions Judge,  
Cooch Behar