

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 836 / 2026
CNR No. WBCB01-001395-2026

Order No. 2,
dated 29/06/2026

In the present application, the accused / petitioners namely **1) Sagar Sarkar, 2) Ratan Sarkar, 3) Hasi Sarkar @ Ashu Sarkar** and **4) Akash 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. 364 of 2026 dated 25/05/2026 under section 85, 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. 791 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-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 in this case the main allegation is against the husband of the victim. Present accused / petitioners are the husband, father-in-law, mother-in-law and brother-in-law of the victim. They all are completely innocent and over the issue of matrimonial dispute, they have been implicated in this case with some false and fabricated allegations. Ld. Advocate further submits that no such incident had allegedly occurred at the behest of any of the accused persons which may attract the ingredients of offence punishable under section 109 of the B.N.S. So, bail may be granted to all the accused / petitioners on any condition.

Ld. Public Prosecutor-in-charge draws my attention to the statement of the victim and other witnesses recorded under section 180 of the B.N.S.S. and other materials available in the Case Diary and has opposed the prayer.

Perused the Case Diary and other material on record.

Considering the materials in the Case Diary, I find sufficient material against the accused / petitioner No. 1 *Sagar Sarkar* showing his involvement in the commission of the alleged offence. Moreover, the accused / petitioner No. 1 is the husband as well as principal accused person of this case.

Considering the materials in the Case Diary and since the accused / petitioner No. 1 is the principal accused person, I am not inclined to grant him bail under section 482 of the B.N.S.S. at this stage.

(Contd....)

Contd. Order No. 2,
dated 29/06/2026

Hence, prayer for anticipatory bail of the accused / petitioner No. 1 namely **Sagar Sarkar** is considered and **rejected**.

However, the accused / petitioner Nos. 2, 3 and 4 are the father-in-law, mother-in-law and brother-in-law respectively to the victim and the only allegation against them is that they instigated the principal accused person in committing the offence and also instigated the victim to take poisonous food.

Considering the materials in the Case Diary and since the accused / petitioner Nos. 2, 3 and 4 are the father, mother and brother of the principal accused person, I am of the opinion that their custodial interrogation for the purpose of investigation is not necessary and as such, I am inclined to allow the prayer for bail of the accused / petitioner Nos. 2, 3 and 4 under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner Nos. 2, 3 and 4 is **allowed**.

In the event of arrest, the accused / petitioner Nos. 2, 3 and 4 namely **Ratan Sarkar, Hasi Sarkar @ Ashu Sarkar** and **Akash 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