

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 874 / 2026
CNR No. WBCB01-001440-2026

Order No. 2,
dated 01/07/2026

In the present application, the accused / petitioner namely **Jahinur Hossain** has filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Tufanganj P.S. Case No. 628 of 2025 dated 29/10/2025 under section 189(2), 126(2), 221, 121(1)(2), 324(4), 109, 3(5) of the Bharatiya Nyaya Sanhita read with section 3 of P.D.P.P. Act, corresponding to G.R. Case No. 970 of 2025.

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 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 completely innocent. He was no-way involved with the alleged offence and he has been falsely implicated in this case. Ld. Advocate further submits that all other co-accused persons, who are on the same footing of the present accused / petitioner, have already been granted anticipatory bail by this Court. So, bail may be granted to this accused / petitioner on any condition.

Ld. Public Prosecutor draws my attention to the statement 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 and other material on record.

Considering the materials in the Case Diary, I find that the allegation against this accused / petitioner and other accused persons is that they pelted stones over the police personnel when they were asked to stop the movement while they were smuggling cattle to Bangladesh and they also damaged the police vehicle at the time of the incident. However, it appears from the Case Record that all other co-accused persons have already been granted bail by this Court under section 482 of the B.N.S.S. excepting this accused / petitioner.

Considering the materials in the Case Diary and since the other co-accused persons have already been granted anticipatory bail by this Court, I am of the opinion that custodial

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interrogation of the present accused / petitioner is also not necessary and as such, I am inclined to grant anticipatory bail in favour of this accused / petitioner under section 482 of the Bharatiya Nagarik Suraksha Sanhita.

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

In the event of arrest, the accused / petitioner namely **Jahinur Hossain** may find bail of ₹ 5,000/- 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.

In addition to this, the accused / petitioner is also directed to meet the I.O. once in a week till submission of charge sheet.

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