

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

**Bail Petition No. 527 / 2026
CNR No. WBCB01-000922-2026**

**Order No. 4,
dated 05/06/2026**

In the present application, the accused / petitioners namely **1) Habibar Miya @ Habibar Rahaman, 2) Baker Miya @ Baker Hossain, 3) Golaf Mostafa @ Golam Mostafa, 4) Golapi Bibi, 5) Elko Bibi @ Elko Banu and 6) Shiuli Bibi @ Hamida Khatun** have filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Sitalkuchi P.S. Case No. 151 of 2026 dated 02/04/2026 under section 126(2), 118(2), 109, 3(5) of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 482 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 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 and over the issue of an incident between the parties relating to land dispute, this case has been filed against the accused persons with some false 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 offence under section 118(2) or 109 of the B.N.S. He further submits that over the issue of self same incident there is also a counter case. So, bail may be granted to the accused / petitioners on any condition.

Ld. Public Prosecutor draws my attention to the injury reports of the victims appearing at page Nos. 20, 21, 22, statements of the de facto complainant and other witnesses recorded by the I.O. found in the Case Diary and other materials available therein and has opposed the prayer.

The de facto complainant is present before this Court today. He also raised objection in granting bail to the petitioners. To that effect, a fresh Vokatnama and an objection petition had been filed on his behalf on the earlier occasion.

Perused the Case Diary and other material on record.

Considering the materials in the Case Diary, especially the injury reports of the victims, I find sufficient materials against the accused / petitioner Nos. 1, 2 and 3 showing their involvement in the commission of the offence.

(Contd....)

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Therefore, considering the materials in the Case Diary and also the involvement of the accused / petitioner Nos. 1 2 and 3 in the commission of the offence, I am not inclined to grant anticipatory bail to the accused / petitioner Nos. 1, 2 and 3 under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner No. 1 **Habibar Miya @ Habibar Rahaman**, accused / petitioner No. 2 **Baker Miya @ Baker Hossain** and the accused / petitioner No. 3 **Golaf Mostafa @ Golam Mostafa** is considered and **rejected**.

However, the accused / petitioner Nos. 4, 5 and 6 are the female accused persons and the only allegation against them is that they instigated the male accused persons at the time of the incident.

Considering the above facts, I am of the opinion that custodial interrogation of the accused / petitioner Nos. 4, 5 and 6 is not necessary and as such, I am inclined to grant anticipatory bail in favour of the accused / petitioner Nos. 4, 5 and 6 under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner Nos. 4, 5 and 6 is **allowed**.

In the event of arrest, the accused / petitioner Nos. 4, 5 and 6 namely **Golapi Bibi, Elko Bibi @ Elko Banu** and **Shiuli Bibi @ Hamida Khatun** 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