

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 882 / 2026
CNR No. WBCB01-001450-2026

Order No. 2,
dated 01/07/2026

In the present application, the accused / petitioners namely **1) Fajlu Mia** and **2) Chhadikul Mia @ Sadekul Rahaman** have filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Ghoksadanga P.S. Case No. 237 of 2026 dated 19/05/2026 under section 85, 316(2), 109 of the Bharatiya Nyaya Sanhita read with section 3/4 of the D.P. Act, corresponding to G.R. Case No. 741 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 present accused / petitioners are the husband and brother-in-law of the victim. They are innocent and over the issue of matrimonial dispute, this case has been filed against all the accused persons with some false and exaggerated allegations and that too under section 175(3) of the B.N.S.S. after about 4 months from the date of the alleged incident without any justifiable explanation. He further submits that no such incident had allegedly occurred at the behest of these accused / petitioners which may attract the offence under section 109 of the B.N.S. Moreover, other three co-accused persons are already on bail. So, bail may be granted to these accused / petitioners on any condition.

Ld. Public Prosecutor draws my attention to the statement of the victim lady recorded under section 180 of the B.N.S.S., injury report found in the Case Diary and other materials available therein and has opposed the prayer.

Perused the Case Diary and other material on record.

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

Considering the materials in the Case Diary and and injury report of the victim, I am not inclined to grant anticipatory bail to the accused / petitioner No. 1 under section 482 of the B.N.S.S.

(Contd....)

Contd. Order No. 2,
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Hence, prayer for anticipatory bail of the accused / petitioner No. 1 namely **Fajlu Mia** is considered and **rejected**.

However, there is no direct allegation of assault and torture against the accused / petitioner No. 2 who is the brother-in-law of the victim.

Considering the above facts and the materials in the Case Diary, I am of the opinion that their custodial interrogation of the accused / petitioner No. 2 is not necessary and as such, I am inclined to allow the prayer for bail of the accused / petitioner No. 2 under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner No. 2 is **allowed**.

In the event of arrest, the accused / petitioner No. 2 namely **Chhadikul Mia @ Sadekul Rahaman** may find bail of ₹ 4,000/- 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