

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

**Bail Petition No. 520 / 2026
CNR No. WBCB01-000917-2026**

**Order No. 4,
dated 04/06/2026**

Today is fixed for personal appearance of the I.O. along with Case Diary.

Ld. Advocates for the contesting parties are present.

In compliance with the order No. 3, dated 18/05/2026, the I.O. of this case appeared before this Court today and produced the Case Diary. He also submitted an explanation through Ld. Public Prosecutor showing cause for non-production of the Case Diary on 18/05/2026.

Perused the explanation submitted by the I.O. which is found satisfactory. Let the same be kept with the record.

Accordingly, personal appearance of the I.O. is dispensed with.

He is cautioned to be diligent in future.

As the Case Record of the Ld. Trial Court and Case Diary have been produced, the Bail Petition is taken up for hearing.

In the present application, the accused / petitioner namely **Rahul Barman** has filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Mathabhanga P.S. Case No. 212 of 2026 dated 01/04/2026 under section 126(2), 118(2), 117(2), 109, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 467 of 2026.

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 / petitioner who submits that in this case the main allegation is against the FIR named accused No. 1. Present accused / petitioner is the cousin brother of the said principal accused. He is completely innocent and he has been falsely implicated in this case as no such incident had allegedly occurred at the behest of this accused / petitioner which may attract the offence under section 118(2) or 109 of the B.N.S. So, bail may be granted to this accused / petitioner on any condition.

Ld. Public Prosecutor draws my attention to the injury report of the victim, statement of the witnesses recorded 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.

(Contd....)

Contd. Order No. 4,
dated 04/06/2026

Considering the materials in the Case Diary, especially the injury report of the victim, I find sufficient materials against this accused / petitioner showing his involvement in the commission of the offence.

So, considering the involvement of the present accused / petitioner in the commission of the alleged offence and also the materials in the Case Diary, I am of the opinion that custodial interrogation of this accused / petitioner is necessary and as such, I am not inclined to grant anticipatory bail to the accused / petitioner under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner is considered and **rejected**.

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