

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

Bail Petition No. 659 / 2026
CNR No. WBCB01-001152-2026

Order No. 2,
dated 06/06/2026

In the present application, the accused / petitioners namely **1) Sudha Das** and **2) Joydeb Das** have filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Dinhata P.S. Case No. 235 of 2026 dated 25/04/2026 under section 126(2), 115(2), 117(2), 118(2), 109(1), 3(5) of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 260 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 innocent and over the issue of a simple incident they have been falsely implicated in this case. 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. That apart, another co-accused person is already on bail after arrest. So, bail may be granted to these accused / petitioners on any condition.

Ld. Public Prosecutor has opposed the prayer referring to the injury report of the victim, statements of the witnesses recorded under section 180 of the B.N.S.S. and other materials available in the Case Diary.

Perused the Case Diary and other material on record.

Considering the materials in the Case Diary, especially the injury report of the victim, I find sufficient materials against the accused / petitioner No. 1 *Sudha Das* showing her involvement in the commission of the alleged offence. It clearly shows in the FIR that the accused / petitioner No. 1 *Sudha Das* had assaulted the victim with a sharp cut weapon on the forehead of the victim causing serious injury for which six stitches were given to the victim on her forehead.

Considering the materials in the Case Diary and the seriousness of the injury sustained by the victim, I am not inclined to grant anticipatory bail in favour of accused / petitioner No. 1 *Sudha Das* under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner No. 1 ***Sudha Das*** is considered and **rejected**.

(Contd....)

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However, considering the materials in the Case Diary and other materials on record, I do not find any allegation of assault against the accused / petitioner No. 2 Joydeb Das.

Considering the above facts, I am of the opinion that custodial interrogation of the accused / petitioner No. 2 *Joydeb Das* is not necessary and as such, I am inclined to grant anticipatory bail in favour of 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 ***Joydeb Das*** 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