

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

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

**Bail Petition No. 507 / 2026
CNR No. WBCB01-000889-2026**

**Order No. 5,
dated 05/06/2026**

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. 4, dated 19/05/2026, the I.O. has 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 19/05/2026.

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 / petitioners namely **1) Ajibul Miya @ Rajibul Miya @ Rajibul Miah** and **2) Deldar Miah @ Deldar Hossain** 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. 146 of 2026 dated 29/03/2026 under section 126(2), 115(2), 117(2), 118(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, corresponding to G.R. Case No. 455 of 2026.

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-in-charge 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 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) of the B.N.S. He further submits that there is also a counter case against the side of the complainant with the allegation of assault. So, bail may be granted to these accused / petitioners on any condition.

Ld. Public Prosecutor-in-charge 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. 5,
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Considering the materials in the Case Diary, especially the injury report of the victim, I find sufficient materials against both these accused / petitioners showing their involvement in the commission of the offence. The injury report clearly shows that the victim had sustained grievous injury at the time of the incident which was caused by these accused persons.

So, considering the materials in the Case Diary and the injury report of the victim, I am of the opinion that custodial interrogation of these accused / petitioners is necessary and as such, I am not inclined to grant anticipatory bail to the accused / petitioners under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of both the accused / petitioners 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