

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, DINHATA

Present : Sri Mahananda Das, (J.O. Code : WB00626)
Additional Sessions Judge, Tufanganj in-charge of
Additional Sessions Judge, Dinhata.

Bail Application No. 25 of 2026
CNR No. WBCB-05-000 093 -2026
Arising out of G.R case no. 651 of 2025

COPY OF ORDER

Order No. 07,
Dated : 10-03-2026

This is an application under section 439 of Cr.P.C filed by the accused/petitioner **Debasis Roy** in connection with G.R Case No. 651 of 2025 corresponding to Dinhata P.S Case No. 619/2025, dated-25-12-2025, under sections- 126(2) 118(2)/109(1) of BNS read with sections 25(1-A)/27/35 of Arms Act.

Ld. Advocate for the accused submitted that the accused is falsely implicated in this case and he is innocent. Ld. Advocate for the accused further submitted that the accused is in judicial custody for considerable period and he may be released on bail. Ld Advocate for the accused further submitted that no bail application has been filed or pending before the Higher court.

Heard Ld. P.P in-charge who raises objection.

Perused the case diary including the statements of the witnesses as recorded under section 180 of BNSS, the certified true copy of the bed head ticket of Mithun Rajbhar, injury report of Mithun Rajbhar as issued by the Dr. Gazi Nizam Anwar of Dinhata SD Hospital on 23-12-2025, the confessional statement of accused Debasis Roy as noted by the I/O on 03-01-2026. From the said confessional statement of accused Debasis Roy it reveals that on the day when Mithun Rajbhar was attacked with fire arms on that particular day he was at his residence. From the said statement of accused Debasis Roy it reveals that he had previous family disturbances with Mithun Rajbhar but he is not involved in the instant case and he has been falsely implicated. From the written complaint it reveals that Mithun Rajbhar was admitted at Shila Nursing Home at Cooch Behar but no such document is there in the case diary. From the case diary it reveals that after Mithun Rajbhar was admitted at Dinhata SD hospital thereafter he was referred to MJN Medical College and Hospital at Cooch Behar. This very fact speaks that Mithun Rajbhar needed further treatment. At the time of forwarding his submission Ld P. P-in-charge enlightened a point that in the case diary the I/O has stated that he has received medical document prayer copy of Mithun Rajbhar from Dr P.K.Saha Hospital Pvt. Ltd., Cooch Behar but no such document is there in the case diary. It is the astonishing to note that Dr. Gazi Nizam Anwar of Dinhata SD Hospital recorded in the medical report of Mithun Rajbhar that nature of injury "simple may turn into grievous". In the said report the said doctor has noted down the short history of the case as stated by the patient as also noted down the size of its injury. Thus, the said noting of Dr. Gazi Nizam Anwar of Dinhata SD Hospital on the said medical report in regard to the nature of injury seems to be turbid. It is also to be noted that till now nothing has been seized from the aforesaid accused person.

However, considering the nature of injury and the early state of investigation the instant bail prayer is considered and **rejected**.

This Bail Application thus, stands disposed of.

Return the LCR and C/D.

Let a copy of this order be sent to the Ld. A.C.J.M, Dinhata for information.

Dictated & corrected by me,

Sd/-
Additional Sessions Judge,
Dinhata.

Sd/-
Additional Sessions Judge,
Dinhata.