

IN THE COURT OF SESSIONS JUDGE, DAKSHIN DINAJPUR AT BALURGHAT.

Present : Shri Anil Kumar Kushwaha (JO Code WB00945)

Crl. Misc. Case No.162 of 2026

CNR : WBDD01-000482-2026

Order No.02, dt.25.03.2026 :

This is an application u/s-482 of BNSS which has been preferred by the accused-petitioners namely-1. **Jyotish Roy @ Jyotish Ray** and 2. **Mithun Roy**, in connection with G.R. Case No.292/2026 arising out of Gangarampur P.S Case No.128/2026, dated 04.03.2026, u/s-110/115(2)/117(2)/126(2)/351(2)/74/79/3(5) of BNS.

The Ld. Advocate for the accused-petitioners and the Ld. P.P, both are present in Court.

De-facto complainant and injured appeared before this Court and raises strong objection by filing Vokatnama alongwith an objection petition. Let the same be kept with the record.

Before commencing the hearing of the instant application, this Court specifically queried from the Ld. Advocate representing the accused-petitioners and the Ld. P.P, as to whether any application for bail has been disposed of earlier by any superior Court or if any such similar application is pending in any other Court having jurisdiction to adjudicate the same.

Both, the Ld. Advocate representing the accused-petitioners and the Ld. P.P replied in the negative.

The Ld. Advocate representing the accused-petitioners submits that in the instant case the accused person has been falsely implicated and he no nexus with the alleged offence. He submits that on account of the situation as prevailing the accused may be enlarged on anticipatory bail subject to any condition that might be imposed by this Court.

The Ld. P.P opposed such prayer for enlarging the accused person on bail. Ld. P.P shown me the relevant pages of the CD.

Heard both sides. Perused the said application, the contents of the LCR and CD.

On perusal of the FIR I find that the accused-petitioners assisted the accused no.3 in committing the offence as alleged. The injury reports as collected by the I.O at page no.17-19 lying in the CD I find that there is cut injury upon the head of the injured Bablu Roy measuring 6 cm. Such attempt by bamboo lathi justify the offence as alleged prima facie. In regard to the involvement of the accused-petitioners Section-3(5) BNS is applicable here in this case.

Considering the same the prayer for anticipatory bail of the accused-petitioners stands **rejected**.

Crl. Misc. Case stands disposed of.

L.C.R and C.D be returned.

Let a copy of this Order, along with the L.C.R., be sent to the Ld. A.C.J.M., Gangarampur at Buniadpur for information and necessary action.

Dictated & corrected by me.

Sessions Judge in-charge,
Dakshin Dinajpur at Balurghat.

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Dakshin Dinajpur at Balurghat.