

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

Present : Shri Anil Kumar Kushwaha (JO Code WB00945)

Crl. Misc. Case No.167 of 2026

CNR : WBDD01-000494-2026

Order No.03, dt.30.03.2026 :

This is an application u/s-482 of BNSS which has been preferred by the accused-petitioners namely-**1. Biplab Barman, 2. Kamal Barman, 3. Babu Barman, 4. Doli Barman @ Doly Barman and 5. Kacho Barman @ Mamani Barman**, in connection with G.R. Case No.366/2026 arising out of Patiram P.S Case No.35/2026, dated 08.03.2026, u/s-109(1)/117(2)/3(5)/303(2)/329(4)/74 of BNS.

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

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 has 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 persons 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 it transpires that the instant case has been initiated at the direction of the Ld. CJM, Balurghat, Dakshin Dinajpur u/s-175(3) BNSS. The application submitted to the P.S for to the Superintendent of Police by the complainant is not lying in the case record. The allegation u/s-307 IPC is that the accused no.2 Kamal Barman tried to kill the injured by pressing her neck.

On perusal of the CD I find from the statement that the injured was admitted in the Balurghat Hospital. The I.O claimed that he submitted requisition on 09-03-2026 and sent another reminder on 23-03-2026 but he has failed to produce any such copy of his reminder to satisfy this Court that he made any such attempt to procure the injury report of Ranjana Barman.

Considering the materials lying in the CD as collected by the I.O till date I do not find any necessity of the custodial interrogation of the accused-petitioners. The dispute relates to the landed property and there is no chance of tampering of the evidence. There is nothing in the CD to arrive at the conclusion that the injured is still now admitted in the hospital.

Accordingly, the prayer for anticipatory bail of the accused-petitioners is allowed.

In the event of the arrest of the accused-petitioners namely-**1. Biplab Barman, 2. Kamal Barman, 3. Babu Barman, 4. Doli Barman @ Doly Barman and 5. Kacho Barman @ Mamani Barman**, be released on bail by executing bond of Rs.5,000/- each, with two sureties of Rs.2,500/- each, subject to the satisfaction of arresting officer. The accused-petitioners are further directed to comply with the provisions U/S-482(2) of BNSS.

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. C.J.M., Dakshin Dinajpur 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.