

CRIMINAL MISC.CASE NO. 73 OF 2026
CIS NO. 61 OF 2026
JO CODE WB00784

Order No: 02, dt. 06.03.2026

The instant Criminal Misc. Case has been filed under Section 482 of BNSS, 2023 filed by the petitioners **1. Md. Mustak @ Md. Mustak Ali 2. Ajiran Khatun @ Ajiran Nechha 3. Md. Afat 4. Md. Afsar 5. Md. Rahamat @ Md. Rahamat Alam 6. Md. Nur @ Md. Nuralam and 7. Md. Serwal @ Md. Seroal Alam** seeking pre-arrest bail in connection with Phansidewa P.S. Case No. 551/2025 dated 21.12.2025 u/Ss. 126(2)/117(2)/115(2)/118(2)/351(2)/3(5) of BNS corresponding to PTN No. 5809/2025.

Ld. Public Prosecutor as well as Ld. Lawyer for the accused / petitioners are present.

LCR as well as C.D. are produced.

Misc. Case filed by the petitioners is taken up for hearing.

Heard the Ld. Advocate for the accused / petitioners as well as the Ld. P.P. for the prosecution.

Perused the LCR and the case diary.

Having heard the submission made by the Ld. Advocate for the accused as well as the Ld. Public Prosecutor for the prosecution I find from the LCR that two of the co-accused persons named in FIR namely Md. Salim and Md. Jahangir who were arrested in this case and were released on bail vide order dt. 17.02.2026 passed in Criminal Misc. Case No. 69(02)/2025 by the Ld. Additional Sessions Judge, 1st Court, Siliguri with an observation that the C.D. does not reveal any incriminating materials against the accused persons warranting for their custodial interrogation.

I have also gone through the injury report collected by the I.O. in the case diary the injury inflicted upon the victim does not attract the provision u/S. 118(2) of the BNS and in view of the observation already made by the Ld. Additional Sessions Judge, 1st Court, Siliguri the prayer for anticipatory bail of the accused/ petitioners is allowed.

Accused /petitioners namely **1. Md. Mustak @ Md. Mustak Ali 2. Ajiran Khatun @ Ajiran Nechha 3. Md. Afat 4. Md. Afsar 5. Md. Rahamat @ Md. Rahamat Alam 6. Md. Nur @ Md. Nuralam and 7. Md. Serwal @ Md. Seroal Alam** on the event of their arrest be released on bail executing bond of **Rs. 5,000/- (Rupees Five Thousand) only each with two sureties of Rs. 2,500/- (Rupees Two Thousand Five Hundred)**. Bond will be accepted subject to the satisfaction of the arresting officer. Accused / petitioners to comply the provision u/S. 482(2) of the BNSS.

The Criminal Misc Case is thus disposed of.

Return the C.D.

Let the LCR along with a copy of order be sent to the Ld. A.C.J.M., Siliguri for information.

Let a copy of order be sent to the I.C. Phansidewa PS for information.

Dict. & corrected by me

Sd/-
Sessions Judge, Darjeeling(I/C)

Sd/-
Sessions Judge, Darjeeling(I/C)