

CRIMINAL MISC.CASE NO. 247 OF 2026
CIS NO. 238 OF 2026
JO CODE WB01244

Order No: 02, dt. 15.06.2026

The instant Criminal Misc. Case has been filed under Section 482 of BNSS, 2023 filed by the petitioner **Rahul Gupta @ Rahul Kumar Gupta** seeking pre-arrest bail in connection with Pradhan Nagar P.S. Case No. 381/2026 dated 28.05.2026 u/Ss. 126(2)/118(2)/351(2)(3) of BNS, 2023 corresponding to PTN No. 1884/2026 pending before the Ld. A.C.J.M., Siliguri.

Today is fixed for hearing of Crl.Misc.Case.

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

Both C.D. as well as LCR are produced today.

The record is taken up for hearing of Crl.Misc.Case.

At the outset the Learned Advocate for the accused / petitioner submitted that no application for anticipatory bail has earlier been rejected by the Hon'ble High Court or is pending for disposal before the Hon'ble High Court and he draws attention of this Court to the affidavit affirmed in this respect.

Ld. Lawyer for the petitioner submitted that the petitioner has been falsely implicated in the instant case. It is pointed out that the allegations are false and baseless and there is no chance of his absconsion and / or tampering of evidence in any manner. Ld. Advocate for the petitioner has submitted that the offence u/S. 118(2) of BNS as alleged would be applicable only when the nature of injury is grievous and that was caused by means of dangerous weapon used in the crime as alleged and he further pointed out that no such incriminating weapon as alleged is recovered as yet. It is further pointed out that the allegation against the accused / petitioner that he stabbed with his screw driver in the stomach of the complainant reluctantly the injured suffered from serious injuries as alleged. Ld. Advocate for the petitioner has further pointed out that since no weapon is recovered, the liberty may be given to the accused / petitioner at this stage. Ld. Advocate for the petitioner has prayed for pre-arrest bail on any terms and conditions.

The Learned Addl. Public Prosecutor has submitted that the allegation in FIR indicates prima facie involvement of the accused / petitioner and the injury report corroborates the allegation in FIR and it is reflected that the injury is grievous in nature and there is history of complaint as endorsed on the injury report explicitly indicates that it is a case of stabbing by screw driver. Ld. Addl. P.P. has vehemently opposed the prayer for bail.

Having heard the Ld. Advocates appearing on behalf of the parties and on perusal of the FIR and materials on record as well as in case diary and keeping in mind the nature of allegations and further considering the extent of complicity of the accused / petitioner, in view of nature of injury as reflected from the injury report and further considering the fact that incriminating weapon as alleged must be recovered to ascertain the nature of weapon used in the crime, as such, I am not inclined to allow the prayer for bail as made on behalf of the accused/ petitioner. Accordingly, prayer for pre-arrest bail to the accused / petitioner u/S. 482 of BNSS is considered and rejected.

The Criminal Misc. Case is thus disposed of.

Return the LCR and C.D.

Let a copy of this order be sent to the Ld. ACJM, Siliguri, and the I.O. / I.C. Pradhan Nagar P.S. for necessary compliance.

Dict. & corrected by me

Sd/-
Sessions Judge, Darjeeling
Circuit Court at Siliguri

Sd/-
Sessions Judge, Darjeeling
Circuit Court at Siliguri