

Criminal Misc. Case – 14 / 2026
C.N.R.No. - WBJP01-000037-2026

Order No. 03 dated 06.01.2026.

The application u/s 483 of B.N.S.S filed by the accused-petitioner, namely, Subrata Dey, praying for bail in connection with P.T.N. No.WBJP02P007305/2025 arising out of Bhaktinagar P.S. Case No.1186/2025 dated 11.12.2025, u/s-189/(2)/221/121(1)/132/324(4)/351(2) of B.N.S., is taken up for hearing.

Heard both the sides.

Perused the materials on record and C.D. Considered.

Ld. Lawyer for the accused-petitioner submits that no bail petition has ever been filed in connection with this case before any higher Court on any earlier occasion and an affidavit has also been filed on behalf of the accused-petitioner in support of such contention by the Ld. Defence Lawyer and the Ld. Public Prosecutor, Jalpaiguri concedes to the fact as submitted by the Ld. Defence lawyer.

It is the case of the accused-petitioner that he has been falsely implicated in this case out of some misunderstanding and misinformation as it appears from the *suo moto* written complaint as initiated by A.S.I. Pramod Tamang of Ashighar Outpost under Bhaktinagar P.S. It has also been contended that the actual fact is otherwise than it has been revealed from the *suo moto* written complaint. It has been contended further that there was a public commotion arising out of the death of a local reputed lady after consuming poison and this accused-petitioner is in no way involved in this case as wrongly and in a designful manner the complaint has been narrated on the basis of which Bhaktinagar P.S. Case No.1186/2025 has been initiated. It has been contended further that this accused-petitioner is not the F.I.R. named accused person. Over and above, it has been contended that this accused-petitioner is a person of repute in the locality and he has his own hearth and home and there is no chance of his absconding. Considering the present facts and circumstances of the case, it is prayed that this accused-petitioner may be enlarged on bail subject to any stringent condition with a promise to cooperate with the investigation.

Ld. Public Prosecutor, Jalpaiguri, appearing on behalf of the State has submitted that this case has been initiated against this accused-petitioner for taking the law in his own hand along with his other companions over the issue of the death of a local lady. However, he has submitted that injury report is lying in the C.D. which will speak for itself regarding the nature of injury and he has submitted for passing necessary order.

Upon perusal of the T.C.R. and the C.D. as submitted by the Ld. Public Prosecutor, Jalpaiguri, and also after going through the record including the F.I.R., *suo moto* written complaint and other incriminating materials in the C.D. including the photographs, the injury report, etc. and considering the submissions of the Ld. Advocate for the accused-petitioner and Ld. Public Prosecutor, Jalpaiguri, appearing on behalf of the State, it appears to this Court that there was an allegation of raising obstruction to the public work of the Police personnel and inflicting assault upon them being a part of an aggressive mob which intended to vandalise the premises of one Mampi Sarkar. However, from the injury report lying in the C.D., it is transpired that the nature of injury was simple in nature. Furthermore, this accused-petitioner is in custody since 17.12.2025 after being arrested in connection with this case. Considering the present facts and circumstances of the case, at this stage, there appears no justification for further custodial detention of this accused-petitioner in connection with this case for the sake of investigation. In view of that, this Court is inclined to enlarge the accused-petitioner on bail on **interim basis** subject to certain condition.

Hence, it is

ORDERED

that the instant bail application stands allowed.

Accordingly, the accused-petitioner, namely, Subrata Dey may find **interim bail till 09.02.2026** of Rs.5,000/- with two (2) registered sureties of Rs.2,500/- each, subject to satisfaction of the Ld. C.J.M., Jalpaiguri, on condition that the accused-petitioner should cooperate with the investigation by attending the I.O. once in a week till the completion of investigation and submission of charge-sheet and on further condition that he should not involve himself in any kind of criminal atrocity and any other activities against Mampi Sarkar and her family members, in default to the above conditions necessary order will be passed.

Send a copy of this order along with T.C.R. to the Ld. Chief Judicial Magistrate, Jalpaiguri, for information and taking necessary action.

Also send a copy of this order to the I.O. for information.

Return C.D.

Fix **09.02.2026** for further hearing.

Dictated & corrected by me,

Sessions Judge, Jalpaiguri
(WB01135)

Sessions Judge, Jalpaiguri
(WB01135)