

**Criminal Misc. Case – 249 / 2026**  
**C.N.R.No. - WBJP01-000725-2026**

**Order No. 03 dated 09.03.2026,**

The application u/s 483 of B.N.S.S filed by the accused-petitioner, namely, Nilkanta Paul, praying for bail in connection with Bhaktinagar P.S. Case No.113/2026 dated 06.02.2026, u/s-105 of B.N.S., is taken up for hearing.

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, in-charge, 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 misconception. It has also been contended that the present accused-petitioner is the father of the deceased victim . It has been contended further that the victim was a drug addicted and he was in a habit of demanding money from his parents for buying drugs and ultimately when the present accused-petitioner resisted to give any money there was a scuffling and the victim fell down. It is also the case of the accused-petitioner that this accused-petitioner has no role to play in the alleged incident. It has been contended further that this accused-petitioner is languishing in custody since 06.02.2026. Considering the present facts and circumstances of the case, it is prayed that this accused-petitioner may be enlarged on bail subject to any condition.

Ld. Public Prosecutor, in-charge, Jalpaiguri, has vehemently opposed the prayer for bail.

Heard the Ld. Lawyer for the accused-petitioner and the Ld. Public Prosecutor, in-charge, Jalpaiguri.

Perused the application for bail filed u/s 483 of B.N.S.S., the T.C.R. and the C.D. Considered.

The brief fact of the case is that the victim allegedly used to take drugs and used to demand money from the present accused-petitioner who is the father of the victim and on the date of the incident there was a scuffling and the victim and fell down and sustained death for which the case was started u/s 105 of B.N.S. During investigation, I find that the fact of the case is something otherwise. Ld. Public Prosecutor, in-charge, Jalpaiguri, has drawn my attention to the relevant pages of the C.D. including the original Post-mortem examination report where it has been mentioned that the death was caused by strangulation by ligature which is ante-mortem and homicidal in nature. If I, at this stage, rely on the Post-mortem examination report, then the case should I have been registered u/s 103(1) of B.N.S. and not u/s 105 of B.N.S. I further find that the investigation is in progress. The accused-petitioner is in custody for one (1) month and two (2) days. Considering the nature and the gravity of the offence, I am not inclined to enlarge the present accused-petitioner on bail u/s 483 of B.N.S.S.

Hence, it is

**ORDERED**

that the instant bail application filed u/s 483 of B.N.S.S. filed by the accused-petitioner, namely, **Nilkanta Paul**, stands **rejected**.

Send a copy of this order along with T.C.R. to the learned 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.

Thus, the Criminal Misc. Case is disposed of.

**Dictated & corrected by me,**

**Sessions Judge, Jalpaiguri**  
**(in-charge)**  
(WB00710)

**Sessions Judge, Jalpaiguri**  
**(in-charge)**  
(WB00710)