

Criminal Misc. Case – 397 of 2026
C.N.R. No. WBJP01-01109-2026

Order No. 03, dated 07.04.2026,

At the outset of hearing, Ld. Advocate for the accused-petitioners has not pressed the prayer for anticipatory bail in respect of accused-petitioners No **1. Rahamat Ali, 3. Ajirul Islam, 4. Raphikul Islam and 5. Najirul Islam @ Najiruddin** by making his endorsement on the bail application. Accordingly, their prayer for anticipatory stands **rejected being not pressed**.

Now the application u/s 482 of B.N.S.S. filed by the accused-petitioners, namely, 2. Nurbanu Begam @ Banu Begam and 2. Firoja Begam @ Fereja Khatoon, praying for anticipatory bail in connection with Dhupguri P.S. Case No.91/2026 dated 19.03.2026 u/s- 109/117(2)/118(1)/126(2)/3(5) of B.N.S., corresponding to PTN No.WBJP02P001819/2026, is taken up for hearing.

Ld. Lawyer for the accused-petitioners submitted 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-petitioners in support of such contention by the Ld. Defence Lawyer and the Ld. P.P, Jalpaiguri conceded to the fact as submitted by the Ld. Defence lawyer.

It is the case of the accused-petitioners that they have been falsely implicated in this case out of personal grudge and vendetta and on the basis of some false allegation made against these accused-petitioners arising out of a dispute over the landed property. It has been also contended that there was a case and counter case by and between the complainant along his associates and the accused-petitioners. It has been also contended that arising out of self same incident one Criminal case being Dhupguri P.S. case No.92/2026 dated 19.03.2026 has been instituted at the instance of the accused-petitioner No.6 against the complainant and his associates. It has been also contended on behalf of the accused-petitioners that over the land dispute, civil cases are also pending by and between both sides. However, considering the present facts and circumstances of the case and also the stages of investigation, at this stage, the present accused-petitioners being female one, may be granted with anticipatory bail subject to any condition with a promise to cooperate with the investigation.

Ld. Public Prosecutor, Jalpaiguri, appearing for the State has submitted that injury report is lying in the C.D. which will speak for itself regarding the nature of injury. He has also submitted that there was no seizure of any offending weapon like iron rod etc. However, he has submitted for passing necessary order.

Ld. Advocate appearing on behalf of the defacto complainant has raised strong objection against prayer for anticipatory bail with this contention that these accused-petitioners are very dangerous in nature and if they are granted bail, they may create further torture. Over and above, due to assault, the complainant and his relatives sustained severe injuries and she prayed for rejection of the prayer for anticipatory bail.

Heard both the sides.

Perused the T.C.R and the case diary. Considered.

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, written complaint and other incriminating materials lying in the C.D. like injury report etc. and also considering the submissions of the Ld. Advocate for the accused-petitioners and Ld. Public Prosecutor, Jalpaiguri appearing on behalf of the State and the Ld. Advocate appearing for the defacto complainant, it appears to this Court that there was an allegation of physical assault with the help of iron rod upon the complainant and his associates. However, it appears that there was case and counter case by and between the accused-petitioners and the complainant and his associates and arising out of a self same incident one criminal case being Dhupguri P.S. case No.92/2026 dated 19.03.2026 has been initiated at the instance of the accused-petitioner No.6. Considering the present facts and circumstances of this case and also considering the present stages of investigation, at this stage, this court does not find any justification for custodial interrogation of the present accused-petitioners Nos.2 & 6.

In view of that, this Court is inclined to allow the prayer for anticipatory bail subject to certain conditions.

Hence, it is

ORDERED

that the instant anticipatory bail application filed by the above-named accused-petitioners No.2 & 6 stands allowed.

Accordingly, this Court directs that in the event of arrest, the accused-petitioners, namely, 2. Nurbanu Begam @ Banu Begam and 2. Firoja Begam @ Fereja Khatoon, shall be released on bail upon furnishing a bond of Rs.5000/- each with two (2) sureties of Rs.2500/- each, subject to the satisfaction of the arresting officer, subject to the compliance of the condition as laid down in sub-section (2) of Section 482 of B.N.S.S. and on further condition that the accused-petitioners shall cooperate with the investigation as and when called on and they will not involve into any further dispute with the complainant or inflict any kind of criminal atrocity against the complainant and his associates in default, necessary order will be passed.

Since the accused-petitioners No.2 & 6 are female, they should not be called on at the P.S. without presence of any female police officer at the P.S.

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

Return C.D.

Thus, the Criminal Misc. case is disposed of.

Dictated & corrected by me,

Sessions Judge, Jalpaiguri
(WB01135)

Sessions Judge, Jalpaiguri
(WB01135)