

In the Court of District & Sessions Judge, Alipurduar.  
**Criminal Misc. Case No.180/2026**  
(CNR No. WBJP05-000405-2026 )  
Present : Sri Pukar Pradhan (J.O.No.WB01097 )  
Addl. District & Sessions, FTC-II,  
In Charge of Sessions Judge, Alipurduar.  
**David Lusai @ David Lushai.....accused/petitioner**  
- Vs -  
State of West Bengal

**Order No.2 dt.06.03.26**

The instant Criminal Misc Case is arisen out of the bail application filed u/s 482 BNSS by the applicant/petitioner **David Lusai @ David Lushai**, the resident of village Uttar Simlabari, P.S. Alipurduar, Dist. Alipurduar, in connection with G.R. Case No.289/2026, corresponding to Alipurduar P.S Case No.45/2026 dt. 12.02.26, u/s 329(4)/126(2)/115(2)/118(2)/351(2) of BNS.

Learned Advocate appearing for the accused/petitioner submits that the accused/petitioner has not moved any bail application for and on behalf of the accused before the Hon'ble High Court or the Hon'ble Supreme Court and no such application is pending or disposed of before the Hon'ble High Court or the Hon'ble Supreme Court.

Heard the submission of Learned Advocate for the accused/petitioner who submitted that the accused person has been falsely implicated in the present case and contended that there is no such ingredient of offence to attract the provision of Section 118(2) of BNS and further contended that the dispute has been settled amicably between the parties, hence prays for anticipatory bail.

Learned Public Prosecutor, on the other hand, raises formal objection and drawn the attention to the medical report so collected by the Investigating Officer at page nos. 33 to 36. It is contended that there was a physical assault and the victim sustained grievous injury at his ulna and chest, but these injuries, so far collected by the Investigating Officer, show that the nature of injury even though grievous attract the provision of Section 117(2) of BNS.

Having heard the submission of Learned Advocate of both sides and also considering the materials on record including the injury report, it is seen that custodial detention of the accused person is not served the purpose of the Investigating agency. Therefore, considering the above facts and also keeping in mind that bail is a rule and jail is exception, the prayer for anticipatory bail is **allowed**.

In the event of arrest, the accused/petitioner **David Lusai @ David Lushai** may find bail of **Rs.6,000/-** with two sureties of **Rs.3,000/- each** of like amount, subject to the satisfaction of the arresting authority and on condition that he shall comply with the requirements as enumerated u/s 482(2) of the BNSS.

Let a copy of this order along with LCR be sent to the learned CJM, Alipurduar for information and taking necessary action. A copy of this order be sent to the I.O.

Thus, the instant Criminal Misc case is disposed of.

Dictated & corrected  
by me

**Sd/-**  
Sessions Judge, Alipurduar  
IN-CHARGE.

**Sd/-**  
Sessions Judge, Alipurduar.  
IN-CHARGE.

OFFICE OF THE DISTRICT & SESSIONS JUDGE,  
ALIPURDUAR.

Memo No.

Dated

*Copy of order forwarded to :*

**1) Ld. CJM, Alipurduar along with LCR being G.R.289/2026.**

2) *The I.O.*

Sessions Judge, Alipurduar.  
IN-CHARGE.







