

In the Court of District & Sessions Judge, Alipurduar.  
Criminal Misc. Case No.181/2026  
(CNR No.WBJP05-000410-2026)

Present : Sri Pukar Pradhan (J.O.No.WB01097 )  
Addl. District & Sessions, FTC-II,  
In Charge of Sessions Judge, Alipurduar.

**Ajjul Miya @ Hossain**....accused/petitioner-Vs- 1) State of West Bengal  
2) Complainant.

Order No.2 dt.09.03.26.

This is an application U/S 483 BNSS filed by accused/petitioner **Ajjul Miya @ Hossain**, the resident of village Natunpara, P.O. Jaldapara, P.S. & Dist. Alipurduar, in connection with Alipurduar P.S. Case No.157/2025 dt. 03.05.25, u/s 85/80(2)/108/3(5)/64 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 Learned Advocate for the accused/petitioner who submitted that the present accused/petitioner namely, Ajjul Miya @ Hossain, is not the principal accused and he is the father-in-law of the deceased. That apart, it is submitted that he is in J/C since 09.02.26 and all other co-accused persons are on bail. It is further submitted that the principal accused i.e. husband Saddam Hossain has already been enlarged on bail by this Court. Therefore, it is submitted that there is no chance of absconsion and there is no chance of tampering with the evidence, hence prays for bail on any stringent condition.

Learned Advocate for the defacto-complainant, on the other hand, thereby assisting the Learned Public Prosecutor, raises vehement objection and contended that prior to this, two bail applications of accused Ajjul Miya @ Hossain were moved and rejected by this Court and also by the Hon'ble High Court, hence prays for rejection of the bail application.

Learned Public Prosecutor drawn the attention of the Court to the statement of the witnesses so recorded u/s 183 BNSS and also drawn the attention of this Court to page no.40, PM report and the order dated 10.06.25 passed by this Court, hence prays for rejection of the bail.

Having heard the submission of Learned Advocate for both sides and upon perusal of the case record, it is seen that the present case was instituted on the basis of a complaint lodged by Md. Alam Mia, father of the deceased and in the complaint, it is specifically mentioned that his daughter was subjected to both physical and mental torture on demand of dowry. More specifically from the statement of the mother of the victim lady (page no.36) recorded by the Magistrate, the allegation is rape is brought against the present accused person. Be it mentioned here that at the time of death, the victim was pregnant. That apart, the Hon'ble High Court was pleased to reject the bail application. Therefore, considering the

above facts and graveness of the offence and its impact in the society as well as also considering the observation of the Hon'ble Apex Court in the case of **Zeba Khan vs State Of U.P, 2026 INSC 144 (para-15)**, the graveness and the nature of allegation so levelled against the accused person is extremely grievous. Hence, this Court finds that it would not be proper at this juncture to release the present accused/petitioner on bail. Accordingly, prayer for bail is **rejected**.

This is a fit case for commitment after necessary compliance of other mandatory provision of law. Accordingly, Learned CJM, Alipurduar is directed to do needful as per law.

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

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 :*

*Ld. CJM, Alipurduar along with LCR being G.R.749/2025.*

Sessions Judge, Alipurduar.  
IN-CHARGE.

“18. Courts while granting bail are required to consider relevant factors such as nature of the accusation, role ascribed to the accused concerned, possibilities/chances of tampering with the evidence and/or witnesses, a