

In the Court of District & Sessions Judge, Alipurduar.

**Ref: CIS Criminal Misc. Case No. 192 of 2026
(CNR No.WBJP05-000471-2026)**

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

Shyamal Barmanaccd -Vs- State of W.B.

Order No. 4, dt. 16.03.2026;

This is an application U/S 483 BNSS filed by accused/petitioner **Shyamal Barman**, in connection with Samuktala P.S. Case No. 54/26, dt. 18.02.2026 u/s 137(1)/140(3) of BNS corresponding to G.R. Case No. 339/2026.

The IO ASI Partha Sarathi Routh is present in person along with case diary and also files show cause report showing the reason as mentioned in the petition as well as his medical report showing that he was ill and treated at OPD of the Government Hospital.

Mr. Kaushik Banik, Ld. Counsel appearing for the petitioner/accused submitted 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.

Ld. Advocate for the accused/petitioner submits that the present accused/petitioner Shyamal Barman was served with a notice under Section 179 of BNSS and called at the Police Station as a witness. However, he was arrested by the present Investigating Officer and since that day, he is in J/C. It is also submitted that the present accused has no nexus with the present crime and the FIR had been registered against unknown person. Hence, prays for bail on any stringent condition.

Mr. Suhrid Majumder, Ld. Public Prosecutor raises formal objection and contended that the present accused was called at police station by the Investigating Officer as a witness and his

statement was recorded by the Investigating Officer but the Investigating Officer took a wrong path thereby arresting the present accused who is the prime witness. There is no such materials in the case diary to show that the present accused is at all wanted in connection with this case.

Perused the case record and the case diary.

Having heard the submission of Ld. Advocate for both sides and upon perusal of the trial court record, it is seen that the victim has been recovered along with her husband, the principal accused Prasenjit Das. From the case diary, it is seen that the prayer has been made for recording the statement of the victim under Section 183 of BNSS but the Investigating Officer failed to collect any such document. Rather, from the record it is clear that the present accused who was arrested by the Investigating Officer has no nexus in connection with this case and his further detention will not serve any purpose of investigation.

Hence, the prayer for bail is **allowed**.

The accused/petitioner **Shyamal Barman** may find **bail** of **Rs. 2,000/-** with one registered sureties of like amount, subject to the satisfaction of Learned CJM, Alipurduar, with further condition that he shall not leave the jurisdiction of the Court without the permission and shall not temper with any evidences.

However, from the record, it is apparent that the Investigating Officer of this case is ASI Partha Sarathi Routh and he failed to comply the order of the Court on the last occasion for which he was show caused. The reason given by him today is found satisfactory and thus accepted. Let the report be kept with the record.

Return CD.

Let a copy of this order along with TCR 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 :

Sessions Judge, Alipurduar
in-Charge

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in-Charge