

Sessions Case No. 72 of 2025
CNR No. WBJP05-000667-2025

Present : Shri Bibhuti Khesong (J.O.No.WB00693)
Sessions Judge, Alipurduar.

Order No. 14;
dt. 25.06.2025;

Accused Manoj Banerjee @ Devil is produced from the Correctional Home.

Mr. Som Shankar Dutta, Ld. Defence Counsel, appears for the accused.

Mr. Suhrid Majumder, Ld. Public Prosecutor, files a petition praying for expunge of the witness Bishal Mandal submitting *inter alia* that this witness does not know anything about the case and his examination will be fruitless examination of the prosecution.

Heard both sides.

Considered.

The prayer moved by Mr. Suhrid Majumder, Ld. Public Prosecutor, is allowed.

Let the witness Bishal Mandal be dropped from the witness list.

The record is taken up for hearing of the bail application dated 24/06/2025.

Mr. Som Shankar Dutta, Ld. Defence Counsel, appears for the accused Manoj Banerjee @ Devil submitting *inter alia* that accused is not named in the FIR and it is not the case of the prosecution that this accused is involved in criminal conspiracy. Mr. Dutta contended that the prosecution has not followed the legal formalities and detained the accused in custody unnecessarily. Mr. Dutta further contended that three prosecution witnesses have already been examined out of which two are interested witness and one is independent witness and today another independent witness is expunged by the Ld. Public Prosecutor. Mr. Dutta prays for bail on any stringent condition.

Mr. Suhrid Majumder, Ld. Public Prosecutor, raises objection against the bail prayer submitting *inter-alia* that this accused is a supari killer and total evidence is based upon the circumstantial evidence. Mr. Majumder further submits that accused is threatening the witnesses even from inside the Correctional Home and once he get bail, he will eliminate all the important witnesses.

Heard.

Perused the case record.

Considered.

The actual killer of deceased Koushalya Mahato was killed immediately after the incident by the members of public. His name was Biswadeep Das @ Bubai. From the materials available on record, specially the whatsapp chat between the said killer and Devil @ Manoj, it *prima facie* shows that the said killer was hired by Devil @ Manoj for killing the victim and as per the direction of this accused/petitioner, he caused murder of Koushalya Mahato.

In view of the above, I have no hesitation to hold that there is strong *prima facie* case against the accused/petitioner in this case.

From the photo copy of the first information report of Alipurduar PS Case No. 232/25, dated 21/06/2025, it appears that this accused/petitioner threatened witness Mala Mahato in the Court compound when the said witness had come to Court for depose as a witness. It is also alleged by Mala Mahato that the accused and his associates have continuously threatened her and other witnesses. In the facts and circumstances of the case, I am of the considered opinion that accused does not deserve bail.

Accordingly, the prayer for bail is **rejected**.

The petition dated 24/06/2025, is, thus, disposed of.

To date (26/06/2025) for evidence.

Dict. & Corr. by me:

Sessions Judge, Alipurduar

Sessions Judge, Alipurduar