

In the Court of District & Sessions Judge, Alipurduar.

Criminal Misc. Case No.433/2026

(CNR No.WBJP05-001088-2026)

Present : Sri Saugata Chakraborty, (WB00767)

Additional District & Sessions Judge-II,

In-Charge of Sessions Judge,

Alipurduar.

1) Nur Hossain, 2) Soleman Gani @ Suleman Ganiaccused/petitioner

-Vs-

State of W.B,

Order No.2, dt.10.06..26.

This is an application U/S 482 BNSS filed by accused/petitioners namely, **1) Nur Hossain, 2) Soleman Gani @ Suleman Gani**, both the resident of Madhya Rangalibajna, Sishubai, P.S. Madarihat, Dist. Alipurduar, in connection with Madarihat P.S. Case No.55/2026 dt. 20.05.26, u/s 316(2)/318(4)/351(2)/115(2)/3(5) of BNS, corresponding to G.R. Case No.1113/2026.

Ld. Advocate for the accused submitted that no bail application has been filed or pending before the higher Court.

Ld. Advocate appearing for the petitioners has contended that all payments have been cleared and in this regard, Ld. Advocate has filed a bunch of documents showing bank transactions and the completion of payment on 12.08.20. It is further contended that the occurrence took place on 13.03.18 and 28.07.22. After passage of four years on 19.05.26, the defacto-complainant raised the issue which is unjustified and the blames are unfounded.

Ld. P.P has submitted that the documents relied upon by the petitioners ought to have been sent to the Investigating Agency for verification and that the notice u/s 35(3) of the BNSS was attempted to be served on the petitioners but he was not available and this is palpably at page-17 of the case docket dated 27.05.26. This indicates attempted failure of the service of notice. In that perspective, Ld. P.P also submitted that there was seizure and other documents do not support the entitlement of the petitioners to pre-arrest bail.

I have considered the materials on record.

In my view, the benefits u/s 482 of the BNSS ought not be extended to the petitioners. The allegations are required to be investigated into the matter. The custodial interrogation cannot be done away with. In view of the above, the prayer for anticipatory bail is **turned down**.

Return CD. Let a copy of this order along with LCR be sent to the learned ACJM, Alipurduar and the I.O. 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 :

- 1) *Ld. ACJM, Alipurduar along with LCR being **G.R. 1113/2026.***
- 2) *The I.O.*

Sessions Judge, Alipurduar.
IN-CHARGE.