

In the Court of District & Sessions Judge, Alipurduar.

Criminal Misc. Case No.460/2026

(CNR No.WBJP05-001035-2026)

Present : Sri Saugata Chakraborty, (WB00767)
Additional District & Sessions Judge-II,
In-Charge of Sessions Judge,
Alipurduar.

Bikram Barman @ Montu.....accused/petitioners

- Vs -

State of West Bengal

Order No.2, dt.08.06.26.

This is an application U/S 483 BNSS filed by accused/petitioner **Bikram Barman @ Montu**, the resident of village Uttar Jitpur1, P.O. Damanpur, P.S. Alipurduar, Dist. Alipurduar, in connection with Alipurduar P.S. Case No.218/2026 dt. 21.05.26, u/s 61(2)/308(2)/308(3) of BNS, corresponding to G.R. Case No.1119/2026.

It is contended for the accused Bikram Barman @ Montu that the petitioner is suffering custodial detention since 28.05.26. He is remanded in police custody but no fruitful result yielded therefrom. The investigation is completed to the sufficient extent and the petitioner may be released on bail. It is contended by Learned Advocate for the petitioner that no notice was served upon the petitioner before effect of arrest or to those who are facing arrest.

Ld. Advocate for the accused/petitioners further submitted that no bail application has been filed or pending before any higher forum.

Ld. P.P has stated that in the second part of the FIR discloses that a cheque of Rs.1,00,000/- and cash of Rs.20,000/- was forced to hand over to the petitioner Mrinal Ganguli @ Mithu on 27.12.25. It is also submitted that the FIR was registered on 21.05.26 at 00.00 hours emanating from page-7 of the case diary and that the statement of the witnesses recorded on 21.05.26 that the accused persons were paid Rs.1,20,000/- on their demand, by the defacto-complainant for installation of mobile tower. There was discussion for the same on 21.05.26 which is reflected in the statement of another witness regarding the accused Sujan Ghosh @ Pacha. It is also submitted that bank statement dated 30.12.25 reflects credit of Rs.1,00,000/- in favour of Gopal Dey and Rinku Dey. It is also submitted that the FIR was received on 21.05.26 at 22.25 hours but the memo of arrest of Sujan Ghosh reflects that the date and time of arrest was 22.05.26 at 00.25 hours. It is also stated that the notice for appearance by the police u/s 35(3) of the BNSS issued on the petitioners was undated. No date was mentioned and these dates were also appended haphazardly. On 28.05.26, the I.O served the check list in respect of accused Bikram Barman @ Montu. So, a total perusal of the document revealed that the notice was not duly served on the petitioners and before the expiry of the period of their appearance following notice some of them were arrested. A serious and gross wrong was done by the Investigating Officer of this case. Ld.P.P, therefore, urges before this Court to write to the Superintendent of Police, Alipurduar and the Inspector-in-Charge of Alipurduar P.S for starting disciplinary action against the I.O of this case being Alipurduar P.S Case No.218/2026 dated 21.05.26. Ld. P.P has submitted that the investigative defects have helped to get the relief of bail. The elements of extortion as alleged are absent in the allegations as well as materials on record.

I have carefully gone through the materials on record including the case diary.

Considered.

The ingredients of the offence of extortion pertains to elements of fear of injury to a victim which is put in it by the offender for delivery to any person to any property or valuable security or anything signed or sealed and the maximum punishment is extendable to seven years for them. There is criminal conspiracy in the offence when it takes an aggravated form as in the present case. The Ld. P.P has pulled out various infirmities in the texture of prosecution. The materials in the CD equally shows that the allegations are related to accused Sujan Ghosh @ Pacha and Mrinal Ganguli. At the same time, it is not clear about the allowing of sufficient time after receipt of notice upon the petitioners by the I.O and the date of effect of arrest. Even the investigation after passage of sufficient time does not show any development. The recovery as stated is not found here. Ld. P.P further submits that it is visibly found that there is interpolation or tampering on the pagination of the each page of the case diary.

On the basis of my foregoing discussion, I am of the view that the petitioner **Bikram Barman @ Montu** may be released on bail on furnishing bond of **Rs.4,000/-** with two sureties of **Rs.2,000/- each, one of whom must be local**, to the satisfaction of Learned CJM, Alipurduar.

Return CD.

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 also be sent to the Superintendent of Police, Alipurduar and the Inspector-in-Charge, Alipurduar P.S 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. CJM, Alipurduar along with LCR being **G.R. 1119/2026.***
- 2) *The Superintendent of Police, Alipurduar.*
- 3) *The Inspector-in-Charge, Alipurduar P.S.*

Sessions Judge, Alipurduar.
IN-CHARGE.