

IN THE COURT OF SESSIONS JUDGE, COOCH BEHAR

Present : **Sri Nirvan Khesong,**
 Sessions Judge,
 Cooch Behar.
 J.O. Code WB00662

Bail Petition No. 864 / 2026
CNR No. WBCB01-001428-2026

Order No. 3,
dated 24/07/2026

Today is fixed for personal appearance of the O.C. Sahebganj P.S. along with Case Diary.

Ld. Advocates for the contesting parties are present.

Case Record of the Ld. Trial Court and Case Diary have been produced.

In compliance with the order No. 2, dated 30/06/2026, today the I.O. of this case appeared before this Court and produced the Case Diary. He also submitted an explanation through Ld. Public Prosecutor-in-charge showing cause for non-production of the Case Diary on 30/06/2026.

Perused the explanation submitted by the I.O. of the case which is found satisfactory. Let the same be kept with the record.

Accordingly, personal appearance of the I.O. is dispensed with.

He is cautioned to be diligent in future.

As the Case Record of the Ld. Trial Court and Case Diary have been produced, the Bail Petition is taken up for hearing.

In the present application, the accused / petitioner namely **Dipak Kumar Bhattacharjee** has filed an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita for granting anticipatory bail in connection with Sahebganj P.S. Case No. 204 of 2026 dated 16/05/2026 under section 117(2), 118(2), 109(1), 126(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita and under section 25(1-A) of the Arms Act, corresponding to G.R. (I) Case No. 261 of 2026.

By swearing affidavit, it has been stated in the bail application by the accused / petitioner that prior to filing of the present application, he did not file any application under section 482 of the B.N.S.S. before the Hon'ble High Court or any other superior Court, and no such application is pending or there is no rejection of such prayer by the Hon'ble Court. Learned Public Prosecutor-in-charge contends that there is no indication in the Case Diary in disputing the aforesaid facts.

Heard Ld. Advocate for the accused / petitioner who submits that this accused / petitioner is completely innocent and over the issue of political dispute, this case has been filed implicating this accused / petitioner along with other accused persons with some false and fabricated allegations and that too belatedly for about 3 months from the date of the alleged incident without any justifiable explanation. Ld. advocate further submits that no such incident had allegedly occurred at the behest of any of the accused persons which may attract the offence under section 118(2) or 109(1) of the B.N.S. or under the arms act. So, bail may be granted to the present accused / petitioner on any condition.

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Ld. Public Prosecutor-in-charge has opposed the prayer referring to the statements of the witnesses recorded under section 180 of the B.N.S.S. and other materials available in the Case Diary.

Perused the Case Diary and other materials on record.

Considering the materials found in the Case Diary, I find that the alleged incident took place on 13/02/2026 and the complaint was lodged on 16/05/2026 i.e. after more than three months from the date of the alleged incident. I also find from the Case Diary that there is allegation of assault with iron rod by this accused person but there is no injury report in the Case Diary to ascertain the said allegation nor there is anything to show that the victim had been treated in any hospital. Moreover, there is no seizure of any arms and ammunition from the possession of any of the accused persons.

Considering the above facts and the materials in the Case Diary, I am of the opinion that custodial interrogation of this accused / petitioner is not necessary and as such, I am inclined to grant anticipatory bail in favour of this accused / petitioner under section 482 of the B.N.S.S.

Hence, prayer for anticipatory bail of the accused / petitioner is **allowed**.

In the event of arrest, the accused / petitioner namely **Dipak Kumar Bhattacharjee** may find bail of ₹ 5,000/- with two registered sureties of ₹ 2,500/- each to the satisfaction of the Arresting Officer subject to fulfillment of the conditions as enumerated in Section 482 (2) of the B.N.S.S.

In addition to this, the accused / petitioner is also directed to meet the I.O. once in a week till submission of charge sheet.

Thus, the bail petition is disposed of.

Case Diary and the Case Record of the Ld. Trial Court be returned at once.

Dictated and corrected by me,

Sd/-
Sessions Judge,
Cooch Behar.

Sd/- Nirvan Khesong
Sessions Judge,
Cooch Behar