

In the Court of Sessions Judge, Murshidabad

Present : Shri Sanjeev Kumar Sharma (JO WB00706)
Sessions Judge, Murshidabad (In-Charge)

Crl. Misc. Case No.2590/2026

Ref. : Hariharpara P.S. Case No.819/2025 dated 06.12.2025
U/s.103(1)/61(2)/3(5) of BNS.

1. Motiur Rahaman Biswas
2. Ripon Biswas @ Ripon
3. Salam Biswas @ Chhalam Biswas Accused/petitioner(s).
Vs.
The State Opposite Party.

Order No.03 dated 12.06.2026

The application for bail U/s.483 of BNSS, filed by the accused petitioners as named above is taken up for hearing.

Heard the Ld. lawyer for the accused petitioners and the Ld. P.P., Murshidabad.

The Ld. Advocate for the present accused petitioners submits that the incident leading to this case is purely a motor accident and the death of the deceased in the motor accident has been coloured as a case of murder. He further submits that the alleged incident took place on 30.11.2025 and the F.I.R. was lodged on 06.12.2025 after expiry of a long time, on the basis of cooked up story. He also submits that the reason of false implication of the petitioners as there exists enmity between the complainant party and the petitioners because men of the complainant were behind the bars for a long time due to the complaint by the present petitioners party. The Ld. Advocate further submits that all the witnesses in this case are interested witnesses, only one witness, namely, Golam Mostafa is an uninterested witness but he did not support the case of the prosecution.

It is also submitted by the Ld. Advocate for the accused petitioner that no such application for bail on the selfsame cause of action has ever been filed before or rejected by the Hon'ble High Court, Calcutta, to which, the Ld. P.P. expressed his agreement.

The complainant also appears by power and files a petition to oppose the prayer for bail.

Ld. P.P., Murshidabad strongly opposes the prayer for bail submitting that the Post Mortem examination report reveals that the deceased suffered cut injuries on his neck and a pure murder case was attempted to be put under the cover of accident. He further submits that the investigation is complete and the case is ready for commitment. He further adds that the prayer for bail of these accused petitioners was rejected by this Court on 19.05.2026 after submission of the Charge sheet and there has been no change of circumstances as on this date.

Perused the T.C.R. and the C.D.

It appears that the deceased was convicted in a case, initiated at the instance of the relatives of the petitioners and after serving the sentence, the deceased came to his village. It further transpires from the materials on record that the deceased was hit by a tractor of the petitioner Motiur Rahaman for which he suffered injuries and then, in order to ensure his death, blows of sharp cutting weapon were given on him causing his death. It is further found that after submission of Charge sheet, the prayer for bail of these accused was rejected by this Court on 19.05.2025 on the basis of the materials appearing on record. The case is ready for commitment.

In the circumstances, I am not inclined to allow the prayer for bail.

Accordingly, the prayer for bail stands rejected.

Return the T.C.R. and the C.D.

The Crl. Misc. Case is thus disposed of.

Dictd. & Cortd.
by me.

S J., Msd.

Sessions Judge, Murshidabad
(In-Charge)