

S.C. No. 128 of 2025
G.R. 3894 OF 2024
Petrapole PS Case No. 156/2024, dt. 23-11-2024
u/s. 319(2)/338/336(3)340(2) BNS & 14B Foreigner's Act
State -Vs- Bitan Barai

Present : Sri Mrityunjay Karmakar, (WBJO 00917)

Order No. 03, Dt. 21-05-2025

Today is fixed for production of the accused person, appointment of Ld. P.P., and for framing of charge.

The accused person is produced from J/C.

No Ld. P.P. has yet been appointed till today to conduct this case on behalf of the State.

A bail petition has been filed on behalf of the accused Bitan Kumar Barai.

The Ld. Advocate for the accused submitted that accused Bitan Kumar Barai is Indian National having valid Indian Passport, Voter Identity Card, but the police authority has filed this false case against the said accused who is in judicial custody for the last 170 days. He said that the allegation against the accused of being a Bangladeshi National is utterly false and nothing has been seized from the possession of the accused regarding passport of the accused from Bangladeshi. He also said that case is false and if bail is granted, he will comply all conditions of bail.

The Ld. P.P.-in-Charge opposed the bail prayer very strongly and submitted that accused has procured Indian Passport and Voter I. Card by false document and he is a Bangladeshi National having passport and the details of the Bangladeshi Passport has been given in the charge sheet. He said that if the accused is granted bail, he will not face the trial and may evade Bangladesh.

Thus considering all aspects and having regard to the sub-missions of the Ld. Advocate of the accused and Ld. P.P.-in-Charge, I think that there is sufficient materials against the accused u/s 14 Foreigner's Act and in this situation, granting bail to the accused , may defeat the very purpose of the trial.

Therefore, the bail of the accused is considers and rejected.

Fix 05-06-2025 for production of the accused, appointment of Ld. P.P., and for framing of charge.

The Ld. P.P.-in-Charge of Bongaon S.D. Court is hereby requested to appoint an Additional P.P to conduct this case.

Let a copy of this order be sent to the Ld. P.P.-in-Charge of Bongaon S.D. Court for his information and necessary action.

Dictated & corrected by me.

Addl. Dist. & Sess. Judge,
FTC-II, Bongaon,

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