

In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj
CrI Misc Case No.266/2026
CNR WBUD01-000534/2026

Present:- Sri Surajit Mandal (WB00993)
Sessions Judge-in ch, Uttar Dinajpur at Raiganj
04/10.03.2026

This application for anticipatory bail u/s 482 of B.N.S.S filed on behalf of present petitioners **1. Noor Islam @ Md Noor Islam, 2. Mokbul Hussain @ Modhu, 3. Md Musurdi, 4. Motiur Rahaman @ Moti Driver & 5. Karimul Hoque** in connection with Goalpokher P.S. Case No.157/2022 dated 30.04.2022 vide GR 1132/2022 u/s 394 of IPC is taken up for hearing.

LCR is available today but CD is not produced.

Ld Advocate has submitted that in this Misc Case on the last two occasions also, the hearing could not be conducted as CD was not produced. On this date also, the CD has not been produced. Ld Advocate prayed for passing necessary order in this respect.

A message has been submitted that the CS has already been filed in this case.

Now, the record is taken up for hearing.

Learned Advocate for the petitioners by filing an affidavit submits that no such application under section 482 of B.N.S.S is either rejected or pending in this Court or before the Hon'ble Higher Courts prior to this application.

On query, Ld. Public Prosecutor submits that there is no reflection in the CD that there is any bail application either pending or rejected by the Hon'ble Higher Courts and IO also did not intimate him that any bail application is pending or rejected by the Hon'ble Higher Courts.

Ld Advocate for the petitioners further submitted that the investigation is already over and CS has been filed against the accused persons u/s 395 IPC. In this case, only two accused persons were earlier arrested from whom the offending vehicle was seized. These petitioners did not have any involvement in the alleged incident. Ld Advocate accordingly prayed for anticipatory bail on any condition.

Ld Public Prosecutor raised objection and submitted that the CD is not produced. In absence of CD, it shall not be proper to consider the bail application in respect of the petitioners.

I have taken into consideration the fact that on the last two occasions, the investigating agency has failed to produce the CD even after repeated directions. On this date also, the CD has not been produced and from the message it only transpires that the CS has been filed. This much information does not seem to be sufficient grounds for not producing the CD.

Having said so, I am of the firm belief that it is the investigating agency that has been deliberately creating hindrance in the judicial process of hearing the bail application.

Be that as it may, considering the merits of the case as can be found from the FIR and the charge sheet and the other relevant documents available in the case record, I hereby taken up the hearing on this date.

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I have heard Ld Advocate for the petitioners and also Ld PP who raised objection only citing the ground that the charge sheet has been filed but CD is required to be perused prior to considering the bail application u/s 482 B.N.S.S.

I have perused the FIR. From the FIR, it would appear that there are allegations of robbing the victims who were traveling in a vehicle. The allegation is brought against unknown persons. In the course of investigation, the investigating agency has only been able to arrest three accused persons. Thereafter, charge sheet was filed on 31.12.2025 against 10 persons. These petitioners/accused persons have been charge sheeted showing as absconders.

I take into consideration the fact that the entire investigation is already over and at this stage, there is no possibility of detention of the petitioners in custody in the sake of investigation. Accordingly, prayer for anticipatory bail u/s 482 of B.N.S.S is hereby considered and allowed.

Accused/Petitioners namely **1. Noor Islam @ Md Noor Islam, 2. Mokbul Hussain @ Modhu, 3. Md Musurdi, 4. Motiur Rahaman @ Moti Driver & 5. Karimul Hoque**, in the event of arrest, in connection with Goalpokher P.S. Case No.157/2022 dated 30.04.2022 vide GR 1132/2022, be released on furnishing bail bond of Rs.6,000/- each with one surety of like amount each, subject to the satisfaction of the Arresting Officer. If on bail they shall comply with the provisions of section 482(2) of B.N.S.S. and with condition that they shall appear on the next date without fail.

Thus, the Criminal Misc Case is disposed of accordingly. Return LCR.

Let a copy of this order be sent to Ld A.C.J.M, Islampur for information and necessary action.

Dictd. & cortd.

S.J-in ch.

Sessions Judge-in ch, U/Dinajpur.