

**In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj**  
**CrI Misc Case No.297/2026**  
**CNR WBUD01-000588/2026**

**Present:- Sri Surajit Mandal (WB00993)**  
***Sessions Judge-in ch, Uttar Dinajpur at Raiganj***  
**03/16.03.2026**

This application for anticipatory bail u/s 482 of B.N.S.S filed on behalf of present petitioners **1. Md Izhar Alam @ Ijhar Asraf, 2. Tarik Anwar @ Md Tarik Alam, 3. Maksud & 4. Mujena Khatun @ Bibi Marjina @ Majuna** in connection with Chakulia P.S. Case No.35/2026 dated 31.01.2026 vide GR 240/2026 u/s 69/115(2)/351(2)/3(5) IPC 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 CD has not been produced.

Ld Advocate for the petitioners submits that this is a case where allegation is in respect of offence punishable u/s 69 B.N.S. Other allegations are Magistrate triable in nature. Ld Advocate further submitted that the primary allegation u/s 69 B.N.S is against accused no.1 Md Izhar Alam @ Ijhar Asraf. Against the other accused persons, there is no such specific allegation and the role of other accused persons in commission of offence u/s 69 B.N.S cannot be ascertained from the FIR. Ld Advocate accordingly prayed for anticipatory bail on any condition.

Ld Public Prosecutor raised strong objection and submitted that this is a case where the primary allegation is u/s 69 of B.N.S. The CD has not been produced. It is necessary to consider the CD before considering such bail application.

I have perused the case record. It appears that on the last occasion also, the CD was no produced inspite of giving specific direction to the IO. Even on this date, the CD has not been produced. There is no specific reason shown or any report submitted by the IO as to why the CD has not been produced on this date.

Considering such kind of approach on the part of the investigating agency, I am constrained to take up the bail hearing even without perusing the CD.

Accordingly, I hereby draw attention mainly in respect of the FIR and other available documents in the case record.

It seems from the FIR that the primary allegation u/s 69 of B.N.S is in respect of accused no.1 Md Izhar Alam @ Ijhar Asraf. In respect of the other accused persons, there is no such specific allegation.

Having considered the present facts and circumstances, I am inclined to allow the prayer for anticipatory bail in respect of accused no.2, 3 & 4. Accordingly, prayer for anticipatory bail u/s 482 of B.N.S.S in respect of accused no.2, 3 & 4 is hereby considered and allowed.

(Contd....)

Accused/Petitioners no.2, 3 & 4 namely **Tarik Anwar @ Md Tarik Alam, Maksud & Mujena Khatun @ Bibi Marjina @ Majuna**, in the event of arrest, in connection with Chakulia P.S. Case No.35/2026 dated 31.01.2026 vide GR 240/2026, be released on furnishing bail bond of Rs.5,000/- 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.

Since the CD has not been produced today, it is not possible to take up the hearing of anticipatory bail application in respect of accused No. 1, *Md. Izhar Alam @ Ijhar Asraf*.

**IO of this case is directed to produce the CD on the next date fixed positively. In default, he shall submit a proper explanation as to why the CD could not be produced.**

Let the matter be fixed on **19.03.2026** for hearing in respect of *accused No. 1, Md. Izhar Alam @ Ijhar Asraf*.

Retain LCR.

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

Another copy of this order be also sent to the IO for compliance.

Dictd. & cortd.

S.J-in ch.

Sessions Judge-in ch, U/Dinajpur.