

In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj
Crl Misc Case No.314/2026
CNR WBUD01-000622/2026

Present:- Sri Surajit Mandal (WB00993)
Sessions Judge-in ch, Uttar Dinajpur at Raiganj
04/25.03.2026

This application for anticipatory bail u/s 482 of B.N.S.S filed on behalf of present petitioner **Faim Habib Miah** in connection with Raiganj P.S. Case No.173/2026 dated 18.02.2026 vide GR 437/2026 u/s 85/82(1)/89/64/109/351(2)/3(5) B.N.S is taken up for hearing.

Learned Advocate for the petitioner 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 petitioner submits that this petitioner is the step son of the victim. There is allegation in the FIR against this petitioner and 3 other accused persons also. FIR named accused persons no.3 & 4 are already on bail. Ld Advocate submitted that the primary allegation against this petitioner is that of committing torture upon the victim and also rapped upon the victim. Ld Advocate further submitted that considering the present facts and circumstances, it would appear that there is no such material to attract the provision of law which have been brought as an allegation against this petitioner. Ld Advocate accordingly prayed for anticipatory bail on any condition.

Ld Public Prosecutor raised objection and submitted that the allegation brought against the petitioner is of serious nature. The investigation is proceeding and at this stage, it shall not be proper to allow the anticipatory bail to the petitioner.

Ld Advocate for the de facto complainant submitted that the allegations brought against the accused persons are of grave nature. Accused persons are influential person and if, this petitioner is granted anticipatory bail, he will influence the witnesses. Ld Advocate accordingly prayed for rejection of anticipatory bail.

I have perused the CD including statement of witnesses recorded u/s 180 B.N.S.S. I have also perused the statement of the victim recorded u/s 183 B.N.S.S.

Upon considering the present facts and circumstances, I am of the view that the allegation against this petitioner is of a serious nature. At this stage, if the petitioner is granted anticipatory bail, there is every possibility that the petitioner shall try to influence the witnesses and shall interfere the process of investigation. Accordingly, prayer for anticipatory bail u/s 482 of B.N.S.S of petitioner **Faim Habib Miah** stands **rejected**.

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

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

Dictd. & cortd.

S.J-in ch.

Sessions Judge-in ch, U/Dinajpur.