

In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj
Crl Misc Case No.326/2026
CNR WBUD01-000653/2026

Present:- Sri Surajit Mandal (WB00993)
Sessions Judge-in ch, Uttar Dinajpur at Raiganj
02/11.03.2026

This application for bail u/s 483 of B.N.S.S filed on behalf of present accused/petitioner **Shaban Pal @ Shuvam Paul** in connection with Raiganj P.S. Case No.01/2026 dated 01.01.2026 vide GR 02/2026 u/s 103(2) B.N.S adding sec. 238/3(5) B.N.S and sec.25(i)(a)/27/35 Arms Act is taken up for hearing.

Learned Advocate for the accused/petitioner by filing an affidavit submits that no such application u/s 483 of B.N.S.S is 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 Hon'ble Higher Courts and IO also did not intimate him that any bail application is pending or rejected by Hon'ble Higher Courts.

Ld Advocate for the accused/petitioner submits that this accused is in custody for some time in connection with this case. This is a case of murder where this accused has been arrested on the basis of suspicion . On two occasions, PC was granted in respect of the accused. During such period, some seizure lists have been shown. Ld Advocate further submits that on going through the seizure lists, it would appear that there are certain anomalies in the seizures, as the times recorded for the seizures are very close to each other, which is not practically possible. Ld Advocate further submitted that there is no motive of this accused to commit alleged crime. The entire incident has occurred during picnic. Ld Advocate also submitted that this accused had rescued the victim and taken the victim to the hospital. This accused does not have any previous criminal antecedent. As the accused is in custody for quite a long time, entire purpose of his detention in the interest of investigation has already been done. At this stage, further detention of the accused in custody is not at all required. Therefore, the accused be granted bail on any condition.

Ld Public Prosecutor raised objection and submitted that this is a case of murder. In this case, seizure of firearm has been shown from the custody of the accused persons. Ld PP further submitted that during PC period, the accused has given a confessional statement. On the basis of such statement, leading discovery was done and arms and ammunition were recovered. Ld PP further submitted that the entire process of seizure was properly done and at the time of incident, apart from the victim and the co-accused persons, other persons were also present. Their statements clearly implicate this accused. Ld PP further submitted that the investigation is going on. There is adequate material against this accused. Ld PP, accordingly, prayed for rejection of bail in respect of this accused.

(Contd....)

I have perused the case record including FIR, seizure lists and other relevant documents. I have perused the CD including statement of witnesses recorded u/s 180 B.N.S.S.

Having considered entire facts and circumstances, I am of the view that if the accused is granted bail at this stage, there is possibility that the accused may abscond and thereby the process of investigation may be hampered. Moreover, considering the ingredients already available in the CD, I am of the view that the offence is a cold blooded murder. A moment of celebration cannot be a ground to become outrageous and thereby use of any firearm that results in death of a person.

In view of the prevailing circumstances, I am not inclined to allow the prayer for bail at this stage. Accordingly, prayer for bail u/s 483 B.N.S.S of accused/petitioner **Shaban Pal @ Shuvam Paul** stands **rejected**.

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