

15.06.2026
Court No.5
SL No.09
g.b.

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(A) 336 of 2026

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 and corresponding Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sahebganj Police Station Case No. 54 of 2026 dated 07.02.2026 under Section 351(2)/115(2)/117(2)/109(1)/3(5) of the BNS, 2023 and corresponding to G. R. (I) case No. 57 of 2026 pending before the learned Additional Chief Judicial Magistrate –II, Dinhata.

And

In the matter of: **Nishi Sarkar @ Nishik Sarkar & Ors.**

....Petitioners.

Mr. Sudip Guha
Ms. Sayantani Das
Ms. Ankita Nag

...For the Petitioners.

Mr. Avrojyoti Das, Ld. APP
Mr. Gobinda Ghosh

...For the State.

1. The petitioners herein pray for bail apprehending arrest in connection with Sahebganj Police Station Case No. 54 of 2026 dated 07.02.2026 under Section 351(2)/115(2)/117(2)/109(1)/3(5) of the BNS, 2023 and corresponding to G. R. (I) case No. 57 of 2026 pending before the learned Additional Chief Judicial Magistrate –II, Dinhata.

2. Learned Sessions Judge, Cooch Behar has been pleased to grant anticipatory bail to the female accuseds and reject the anticipatory bail in respect of the male accuseds.
3. On hearing the learned counsel for the petitioners and the learned counsel for the State who has placed the case diary and on perusal of the materials on record it appears that one of the victims has suffered grievous injury on the scalp with stitches.
4. The allegation in the written complaint is of assault by all the accused persons. But only the accused no.2 being Goutam Sarkar has been attributed to being armed with "Dao", a sharp cutting weapon, while committing assault, which could have prima facie caused the said injury. The allegations of assault with "Dao" against Goutam Sarkar (petitioner no.2 herein) is on record.
5. The specific allegation against the petitioner no.1 is that he abused in filthy language and though a case of assault by all the accused persons has been alleged but no case of being armed weapons has been stated against the petitioner nos. 1 and 3 herein.
6. Considering the said facts, the prayer for anticipatory bail of **the petitioner nos. 1 (Nishi Sarkar @ Nishik Sarkar and 3 (Kalyan Sarkar) is granted.**

7. The prayer for anticipatory bail of the petitioner no.2 (Goutam Sarkar) is rejected.

8. Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to further conditions that the petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses. The petitioners shall meet the I. O. once a fortnight till submission of report in final form.

9. CRM (A) 336 of 2026 is, thus, disposed of.

10. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Shampa Dutt (Paul), J.)