

19.08.2026

Serial no. 07

[Srimanta]

Ct. No. – 39

Partly Allowed

CRM (A) 2023 of 2026

In re : An Application for anticipatory bail under Section **482** of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **G. R. Case No. 327/2026** arising out of **Sagarpara** Police Station Case No. **56/2026** dated **20.01.2026** under Sections **103(1)/3(5)** of Bharatiya Nyaya Sanhita, 2023 pending before the Learned C.J.M., Berhampore, Murshidabad

-And-

In the matter of : **SAHITANUJA KHATUN @ FURU BIBI & ANR.**

... .. Petitioners.

Ms. Sonali Das,
Mr. Samim Ullah, Advocate

... .. *For the Petitioners.*

Mr. Abhijit Singh, Advocate

... .. *For the State.*

1. The Memo of Evidence, filed on behalf of the State in Court today, is taken on record.
2. The learned Counsel appearing on behalf of the petitioners submits that the petitioner no. 1 is a female accused. At the time of the incident, she was at an advanced stage of pregnancy. She was not involved in the present case. Learned Counsel further submits that the petitioner no. 2 is the brother-in-law of the principal accused and has also been falsely implicated in this case.
3. Learned Counsel further submits that the Trial Court granted bail to the co-accused under Section 483 of the BNSS, 2023. The learned Advocate for the petitioners prays for anticipatory bail of both the present petitioners on any terms and conditions.

4. The learned Counsel appearing on behalf of the State, on the other hand, submits that both the accused persons were involved in the murder of the 16-year-old boy due to a previous landed property dispute. This case is based on circumstantial evidence, and some of the witnesses saw him going to the residence of the principal accused, namely, Mahajib Alam. Subsequently, his dead body was found near the house of the accused persons. He relies on the statements recorded under Section 183 of the BNSS, 2023 and the Post Mortem Report. He opposes the prayer for anticipatory bail of the petitioners.
5. Having heard the submission of the respective parties and on perusal of the case diary including the Post Mortem Report as well as the statement recorded under Sections 180 and 183 of the BNSS, this Court finds this is not a fit case for granting bail to the petitioner no. 2, namely, **DURUL HUDA @ DURUL HODA**. Accordingly, his prayer for anticipatory bail is **rejected**.
6. So far as the petitioner no. 1, namely, **SAHITANUJA KHATUN @ FURU BIBI** is concerned, this Court does not find any clinching evidence. Furthermore, she is a lady accused having four month child in her lap. Accordingly, this Court finds this is not a fit case for custodial detention. The charge-sheet has already been submitted. Her prayer is **allowed**.
7. Accordingly, this Court directs that in the event of arrest the petitioner no. 1 shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Berhampore, Murshidabad and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the

petitioner no. 1 shall not leave the territorial jurisdiction of Sagarpara Police Station without prior permission of concerned Trial Court and on further condition that the petitioner no. 1 shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner no. 1 in Court including cancelling the anticipatory bail granted without further reference to this Court.

8. The application for anticipatory bail being **CRM (A) 2023 of 2026** is, thus, partly **allowed**.
9. All concerned parties shall act on the server copies of this order duly downloaded from the official website of this Court.
10. Criminal Section is directed to supply urgent certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Ajay Kumar Gupta, J.)