

17.11.2025
Item no.54 (DL)
Court No.3
AN
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (A) 705 of 2025

In Re:- An application for anticipatory bail under Section 482 of BNSS, 2023 in connection with Sahebganj P.S. Case No. 321 of 2025 dated 09.06.2025 under Sections 126(2) / 115(2) / 117(2) / 109 / 351(3) 3(5) of Bharatiya Nyaya Sanhita, 2023 read with Sections 341 / 323/ 325 / 307 / 120B / 34 of the Indian Penal Code corresponding to G.R. Case No. 1357 of 2025 pending before the learned Additional Chief Judicial Magistrate, Dinhata.

In the matter of : **Abdul Barek Miah @ Abdul Barek Miya
@ Abdul Barek Miah**

... Petitioner.

Mr. Sudip Guha
Ms. Ankita Nag

...for the Petitioner.

Mr. Nilay Chakraborty, Id APP
Mr. Ujjwal Luksom
Ms. Namrata Das

...for the State.

1. Learned Advocate for the petitioner submits that due to long standing dispute, the petitioner has been falsely implicated in this case. The petitioner alongwith two other F.I.R. named persons filed application before the learned Sessions Judge, Coochbehar for anticipatory bail. Though the prayer of the co-accused was allowed, however, the prayer of the petitioner was turned down. He seeks for grant of anticipatory bail in favour of the petitioner.

2. Opposing such prayer for anticipatory bail, learned Additional Public Prosecutor representing the State submits that the nature of injury is simple, however, there is sign of fracture in the right frontal sinus. He seeks for dismissal of the anticipatory bail application.
3. Perused the case diary and the materials on record.
4. It is found that there are allegations against the petitioner of assaulting the victim. Be that as it may, the injury report records of simple injury. Though there are signs of fracture in the right frontal sinus, there are no materials to suggest that the victim was admitted to hospital. Considering the above, I am inclined to grant anticipatory bail to the petitioner. .
5. Accordingly, in the event of arrest the petitioner namely **Abdul Barek Miah @ Abdul Barek Miya @ Abdul Barek Miah** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner is directed to join the investigation and cooperate with the Investigating Officer.
6. This application for anticipatory bail is, thus, disposed of.
7. **CRM (A) 705 of 2025** stands disposed of.

8. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of all requisite formalities.

(Bivas Pattanayak, J.)