

14.01.2026

Item No.30

Ct.No.3

dc.

Allowed

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

C.R.M. (A) 25 of 2026

In Re : An Application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Dinhata Police Station Case No. 605 of 2025 dated 16.12.2025 under Sections 329(3)/115(2)/117(2)/118(2)/74/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re : **Atiar Miah @ Atiyar Miya**

... Petitioner.

Mr. Sayan De,
Ms. Esha Acharya,
Mr. Rimik Chakraborty

... For the Petitioner.

Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee

... For the State.

Learned advocate appearing for the petitioner submits that the present petitioner is similarly situated as other accused persons who have been granted anticipatory bail by the learned Sessions Judge, Cooch Behar.

Learned advocate appearing for the State, on the other hand, opposes the prayer for anticipatory bail and draws the attention of the Court to the injury reports.

I find from the injury reports that there are injuries which have been inflicted upon two victims. In case of one of the victims, I also find that injuries are of severe in nature. However, having regard to the statements under Section 161 of the Code of Criminal Procedure as also the letter of

complaint, I do not find that the present petitioner viz. Atiar Miah @ Atiyar Miya is differently situated than the other accused persons who have been extended the privilege of anticipatory bail. As such, although a case has been made out, but in the facts and circumstances of the present case, I am of the opinion that custodial detention of the present petitioner may not be warranted. As such, the prayer for anticipatory bail of the petitioner is **allowed**.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/-, with two sureties of Rs.10,000/- each, one of whom must be local, to the satisfaction of the Arresting Officer 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.

As the investigation of the case is in progress, petitioner shall meet with the Investigating Officer of the case once in a week on and from 16th January, 2026.

In case there is violation of the conditions, the Investigating Officer of the case, after a period of eight weeks, will pray for cancellation of the anticipatory bail of the petitioner.

The application for anticipatory bail, being CRM (A) 25 of 2026, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)