

February 18, 2026

46 ARDR
Allowed

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 48 of 2026

In Re : An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with **Dinhata** Police
Station case no. **138** of **2025** dated **15/3/2025** under Section
103(1) of the BNS, 2023 and Sections **25/27** of the Arms Act.

And

In Re : **Bandhan Roy @ Swapan @ Bandan Roy**

... Petitioner

Adv. Sudip Guha,
Adv. Ananda Paul,
Adv. Ankita Nag,

... for the Petitioner.

Adv. Aditi Shankar Charaborty,

...for the State.

Learned counsel for the petitioner submits that the petitioner
is in custody for more than 300 days and prays for bail.

Learned counsel for the petitioner submits that the firing from
the gun was accidental and there was no mens rea to kill the victim.
The victim was a friend of the petitioner and were enjoying a get
together where the unfortunate incident occurred.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

There are discrepancies in the evidence of witnesses and
statements recorded under Section 183 of the BNSS. Trial is in
progress. Out of twenty three witnesses, seven witnesses have been
examined. The petitioner voluntarily surrendered before the Court
and is in custody since then.

Considering the material on record, particularly, the quality of evidence led so far, this Court is inclined to hold that further detention of the petitioner is not required and he may be released on bail subject to stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner namely Bandhan Roy @ Swapan @ Bandan Roy be released on bail upon furnishing bond of Rs.10,000/- (Rupees ten thousand only), with two sureties of like amount each, one of whom should be local, to the satisfaction of the learned Additional Sessions Judge, Dinhata subject to condition that he shall appear before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions as stated above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

CRM (M) 48 of 2026 is thus disposed of.

Case Diary be returned.

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

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

(Suvra Ghosh, J.)