

21.04.2026
Item no.15.
Court No.5.
(Samar)
(Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

CRM (A) 228 of 2026

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dinhata Police Station Case No.93 of 2026 dated 27.02.2026 under Sections 126(2)/115(2)/117(2)/118(2)/351(2)3(5) of the Bharatiya Naya Sanhita, 2023.

And

In the matter of : Joynal Miah @Jaylal Mia @ Jaynal Miya @ Yajnal Maya @Jaynal Maya.

.....Petitioner.

Mr. Sudip Guha,
Ms. Sayantari Das,
.....for the Petitioner.

Mr. Ujjwal Luksom,
Mr. Chinmoy Roy,
.....for the State.

Mr. Guha, learned advocate appearing for the petitioner, submits that there was a free fight between the two families and that there is a counter-case arising out of the same incident. He further submits that the co-accused persons have been extended the benefit under Section 482 of the BNSS by the learned Sessions Judge, Cooch Behar. He submits that custodial interrogation of the present petitioner is not required.

Mr. Luksom, learned advocate appearing for the State, produced the case diary and vehemently opposed the prayer made by the petitioner.

Heard the learned advocates appearing for the respective parties and perused the materials on record, including the case diary. There is a counter-case, and both cases were instituted on the same date. The co-accused persons have been granted the benefit under Section 482 of the Code. Considering the nature of the allegations, including the nature of the injuries as reflected in the injury report, and further considering that the incident allegedly occurred in the presence of direct evidence, I am of the view that custodial interrogation of the present petitioner is not required.

Accordingly, it is directed that, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of Rs. 5,000/- (Rupees Five Thousand only) each, to the satisfaction of the learned **Additional Chief Judicial Magistrate, Dinhata**, and subject to the conditions laid down under Section 438(2) of the Cr.P.C.

Accordingly, CRM (A) 228 of 2026 is **allowed**.

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

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

(Partha Sarathi Chatterjee, J.)