S.L.13.
Ct. 05

06.10.2026
Bd.
Allowed.

In the High Court at Calcutta
Circuit Bench at Jalpaiguri

CRM (M) 197 of 2026

Mithun Mia

Vs.

Central Bureau of Investigation

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Sitalkuchi Police Station case no. 83 of 2021 dated 10.04.2021 under Sections 147/148/149/302/307 of the IPC and section 3 of the Explosive Substances Act, 1908 read with section 34 of the IPC, 1860 and under sections 3(1)(1)/3(2)(V) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Mr. Mayukh Mukherjee
Mr. Sagnik Mukherjee ...for the petitioner

Mr. Sudipto Kumar Majumder
Mr. Ajoy Kumar Singhania
Mr. Sourab Kar ... for the CBI.

In this application the petitioner has prayed for bail on the ground that the petitioner is in custody since 13.11.2025

He further submits that on perusal of the charge-sheet it is evident that Hakim Mia, being the principal accused was the person who allegedly fired targeting the deceased consequent to which victim succumbed to death. The only allegation against the petitioner is that he allegedly accompanied the principal accused with an intention to form an unlawful assembly.

It is further submitted that out of nine accused persons three accused persons were granted bail by the trial court. The present petitioner is on the same footing

with that of the other accused persons who were granted bail.

The prosecution has submitted charge-sheet against the petitioner where they have proposed to examine 100 witnesses.

It is further submitted that subsequently the Trial Court has framed charge against the accused petitioner on 19.05.2026 and the maximum punishment prescribed for the said offences are five years. Petitioner herein is behind the bar for a considerable period of time and therefore he may be released on bail on any terms and conditions.

Learned counsel for the CBI opposed the bail prayer.

It is submitted that the investigation conducted by the CBI reveals that the petitioner was part of the unlawful assembly, which had hurled bombs and fired bullets leading to the murder of Ananda Burman and attempted to murder the survivor Dinoy Burman during State Assembly Election.

He further submits that soon after the incident the accused petitioner along with other accused persons escaped. Thereafter the accused Mithun Mia was declared proclaimed offender. Accused Bulu Mia and Mithun Mia did not appear before CBI even though notices under section 41A Cr.P.C. have been served upon them.

He further submits that the petitioner Mithun Mia, is a habitual offender and a notorious person. Various

cases have been registered against him. Therefore, if he is released on bail there is every likelihood that he will again abscond and, it will only protract the trial. He further submits that CBI has already assailed the order framing charge against the petitioner.

I have considered the submissions made on behalf of both the parties. It appears from the charge-sheet that prosecution has proposes to examine as many as 100 witnesses during trial. At this stage, only the charge has been framed against the petitioner. The recording of evidence has not yet been started therefore, there is hardly any chance of early conclusion of trial.

Considering the facts and circumstances of the case, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely **Mithun Mia**, shall be released on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Coochbehar, and also on condition that the accused person shall not misuse the liberty granted by this Court and he shall not tamper with any evidence orally or documentary during the trial. He shall not absent himself on any day during trial and shall not commit any offence while on bail. He shall give his mobile phone number to the local police station and shall not change it without prior permission of the trial court and he shall not in any

manner try to delay the trial. The petitioner shall not leave the geographical limit of district of Coochbehar without taking leave from the court below and shall report to the Inspector-in-charge/Officer-in-Charge, Coochbehar Police Station once in a week until further order. The court below will be at liberty to cancel the bail in the event of violation of any of the conditions without making any further reference to this court and also on condition laid down in section 480(3) of the BNSS.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merit of the case.

Accordingly, CRM (M) 197 of 2026 is disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)