17.11.2026
Item no. 2
Court No.07
KOLE
(Allowed)

Calcutta High Court
In the Circuit Bench at Jalpaiguri

CRM (A) 726 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.304 of 2026 Dated 15.05.2026 under Sections 103(1)/118(2)/3(5) of the B. N. S. 2023

And

In the matter of : Mantu Miya & Anr. .....Petitioners.

Mr. Sudip Guha,
Ms. Sayantani Das,
Ms. Ankita Nag .....for the Petitioners.

Mr. Avrojyoti Das,
Mr. Bijay Bikram Das,
Mr. D. Rai, ...for the State.

1. The petitioners are 2 out of 8 accused persons named in the first information report. The charge is under Sections 302/326 of the Indian Penal Code.

2. The petitioners say that the incident was a fall out of land dispute. There is no direct allegation of assault against the present petitioners. They pray for anticipatory bail.

3. Learned State Counsel says that investigation is going on. However, very fairly he admits that whatever material has been gathered so far, does not reveal any incriminating evidence against these petitioners.

4. On an overall consideration and assessment of the facts and circumstances of the case, I am of the view that

immediate custodial interrogation of the petitioners may not be necessary so long as they fully cooperate with the Investigating Officer.

5. Accordingly, in the event of arrest, the petitioners, namely **Mantu Miya and Khayrul Hok @ Haque** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 until further orders and on further condition that they shall report to the Investigating Officer **within three days from date or as and when called for until further orders** till completion of investigation.

6. In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, 1973/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

7. CRM (A) 726 of 2026 stands disposed of.

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

(Arijit Banerjee, J.)