

05.01.2026
Item no. 46.
Court No.3.
Rakib

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

CRM (A) 941 of 2025

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 Alipurduar Police Station Case No. 157 of 2025 dated 03.05.2025 under Sections Section 85/103(1)/80(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Aijul Miya @ Hossain.

.....Petitioner.

Mr. Anirban Banerjee

.....for the Petitioner.

Mr. Kallol Acharjee

Mr. Tapan Bhattacharjee

.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner is renewing his prayer for anticipatory bail as there has been change of circumstances and the charge-sheet has not been submitted under Section 103 of the BNS and the charge-sheet has been submitted under Section 108 of the BNS. Learned advocate submits that since there have been change of circumstances the prayer for anticipatory bail may be considered.

Learned advocate for the State has produced the Case Diary, drawn the attention of the Court to the statement under

Section 183 of the BNSS, as well as the specific charge so far as the present petitioner is concerned.

I have taken into account the earlier order dated 24.11.2025 passed in CRM (A) 761 of 2025 passed by the Coordinate Bench which has recorded the specific findings so far as the present petitioner is concerned. Taking into account the materials available in the Case Diary, I am of the view that this is not a fit case to grant anticipatory bail as by a reasoned exhaustive order the earlier application for anticipatory bail was rejected.

Accordingly, CRM (A) 941 of 2025 is dismissed.

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.

(Tirthankar Ghosh, J.)