16.11.2026
Item no. 27.
Court No.7.
AB
(Allowed)

Calcutta High Court
In the Circuit Bench at Jalpaiguri

CRM (A) 777 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.562 of 2026 Dated 08.08.2026 under Sections 329(3)/116(2)/117(2)/118(2)/109(1)/3(5) of the B.N.S. 2023

And

In the matter of : Echhan Miah @ Miya Echan & Anr.

.....Petitioners.

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

Mr. Janardan Periwal,
Mr. Gobinda Saha,
Mr. Abhilash Mittal .....for the State.

1. The petitioners say that the allegations are based on certain land disputes that arose between the petitioners and the defacto complainant. There was no criminal intention on the part of the petitioners. They are aged persons, being 63 years and 56 years old respectively. The nature of the allegations is not as would require custodial interrogation of the petitioners. Hence, they should be granted anticipatory bail.

2. Learned State Advocate opposes the prayer. He shows me the material in the case diary. He says that the victim suffered grievous injury at the hands of the petitioners.

Hence, the prayer for anticipatory bail should be rejected.

3. I have considered the material on record and the nature of the charges. The case diary does not even contain the statement of the injured victim recorded either under Section 180 or Section 183 of the B.N.S.S. 2023 (corresponding to Sections 161/164 Cr.P.C.). The injury report does not indicate the nature of the injury. Prima facie, it appears that there was a fight between the two parties in relation to a land dispute. I also keep in mind that the petitioners are both aged persons, one of them being a senior citizen.

4. In view of the aforesaid, I am of the opinion 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 **Echhan Miah @ Miya Echan** and **Lavely Bibi @ Lably** 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 the petitioner no.1 shall report to the Investigating Officer within three days from date and

as and when called for, until further orders and the petitioner no.2 shall cooperate with the Investigating Officer.

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) 777 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.)