

**Misc. CrI. 322/21**

02.07.2021

Seen the petition filed u/s 439 of the Cr.P.C by petitioner Anowar Hussain with a prayer to grant bail to the accused persons, namely (1) Monowar Hussain, (2) Sayed Ali, (3) Jiyarul Islam, (4) Jahan Uddin @ Jahan Ali and (5) Golap Ali @ Gopal who are in judicial custody in connection with Goalpara P.S. Case No.271/2021 corresponding to G.R. Case No.873/2021 u/s 120(B)/341/302/325 of the IPC.

The case diary is received and I have perused the same. I have also heard the learned counsel for the petitioner and also the learned Public Prosecutor for the State in the virtual court through video conferencing.

The learned counsel for the petitioner submitted that though the accused persons are named in the FIR but actually they are innocent persons and regarding the same incident, there is a cross case which was filed by the wife of accused Sayed Ali against the informant party and the case has been registered as Goalpara P.S. Case No.276/2021 u/s 147/148/149/435/325/326/506 of the IPC. It is further submitted that accused Sayed Ali is an old person and some of the relatives of other accused persons have been suffering from various ailments including accused Sayed Ali and therefore release of the accused persons on bail has become necessary for proper care treatment of their near and dear

ones. It is further submitted that the accused being local persons there is no chance of absconding and they shall not hamper the investigation.

The case diary of Goalpara P.S. Case No.276/2021 which was filed by the accused side, which had been called for, is received and I have perused the same also.

The contents of the ejahar, in brief, is that on 23.04.2021, at about 4:00pm, while Rofiqul Islam had been proceeding towards Gobindapur Market along with his uncle Ibrahim Ali by riding a motorcycle in order to purchase some ducks, the FIR named accused persons by making a conspiracy restrained them on the road and attacked them with deadly weapons as a result of which Rofiqul Islam died on the spot and his uncle Ibrahim Ali sustained grievous injuries.

On perusal of the case diary, it transpires that the investigation of the case is going on. The offence is very serious. The statement of an eye witness recorded u/s 164 Cr.P.C. clearly implicates about the involvement of the accused persons in commission of the alleged offences. The I.O. has collected sufficient materials against the accused persons. In view of the materials in the case diary as well as the nature of the offence, I am not inclined to grant bail to the accused persons at this stage. Accordingly, the bail

petition stands rejected.

Send back the case diaries of both the cases with a copy of this order. A copy of this order shall also be furnished to the petitioner or his learned counsel forthwith by the Bench Asstt./Court Master under his signature and this order shall also be uploaded in the official website of the District Judiciary, Goalpara.

Inform all concerned accordingly.

This Misc. Case is thus disposed of.

Sessions Judge  
Goalpara