

Misc. CrI . case no. 293/2021

16-06-2021

The learned Counsel for the petitioner as well the learned P.P. for the State is present.

Heard both the sides. Perused the case record including the case diary received today.

This is an application u/s 439 of the Cr.P.C. with a prayer to grant bail to accused-persons namely (i) Monowar Hussain, (ii) Sayed Ali, (iii) Jiyarul islam, (iv) Jahan Uddin @Jahan Ali and (v) Golap Ali @Gopal who have been detained 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 I.P.C.

The brief facts of the prosecution case is that on 23.04.2021 at around 4 pm, the victims Rofiqul Islam had proceeded towards Gobindapur market area by riding a motorcycle in order to purchase some ducks. The above named accused persons in the meantime after stopping them had assaulted both the victims by dealing lathi, dagger and iron spring blows due to which the victim Rofiqul Islam died instantaneously on the spot and the other victim Ibrahim Ali suffered grievous hurt.

A case being Goalpara P.S. Case No. 271/2021 u/s 120(B)/ 341/ 302/ 325 of the I.P.C. was registered. In course of investigation, police arrested the accused persons namely (i) Monowar

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Hussain, (ii) Sayed Ali, (iii) Jiyarul islam, (iv) Jahan Uddin @Jahan Ali and (v) Golap Ali @Gopal in the last week of April, 2021 and since then they are in judicial custody. The Ld. Counsel for the accused persons submitted that the accused persons have completed sufficient time in custody and the story as depicted in the ejahar is totally false since there was a cross case filed being numbered as Goalpara P.S. 276/2021 us/ 147 /148 /149/ 435/ 325/ 326 IPC. According to the Id. defence counsel, the accused persons are the only earning member of their respective families and if they are detained further in jail the family members would suffer. In that view of that matter, it is prayed that the accused persons may be enlarged on bail. The Id. PP. has objected the grant of bail to the accused persons.

Having regard to the above, and considering the materials available in the case diary it is seen that one of the victims has suffered serious injuries and the other victim had died on the spot. The statement u/s 164 Cr.P.C. of an eye witness has clearly implicated the involvement of the accused persons in commission of the alleged crime. In view of such materials on record and having regard to the serious nature of the offences allegedly committed by the said accused persons, this court is not inclined to grant bail to the above named accused persons at this stage of

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investigation. Accordingly, the prayer for bail is rejected.

Send back the CD along with a copy of this order.

A copy of this order shall be furnished to the petitioner or their learned Counsel forthwith by the Bench Assistant/ 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