

Crl. Misc. No. 778/19

14.11.2019 Bail petitioner for accused person Maidul Islam represented.

The instant bail application has been filed U/S 438 Cr.PC praying for grant of pre-arrest bail by accused petitioners namely- **Maidul Islam**, who is apprehending arrest in connection with Mikirbheta P.S. Case No. 411/2019,(G.R No. 3305/19) U/S 379 IPC.

Learned P.P. Mr. A Kalam notified and appeared.

Petition is supported by an affidavit filed by Md. Maidul Islam, swearing that no bail petition has been filed or rejected by Hon'ble High Court or any other court.

Perusal of case record shows that allegation in ejahar shows that on 13.10.2019 at about 12.15 midnight accused person Md. Maidul Islam along with other 3/ 4 miscreants committed theft of fish from informant's pond. When a neighbour Md. Samar Ali woke up and witnessed the matter, he prevented them but accused persons threatened him that if he discloses the matter he will face dire consequences. Hence, this case.

Learned engaged counsel for the bail petitioner submitted that accused petitioner is innocent. Learned P.P. Mr. A Kalam objected the bail prayer.

Perused LCR & CD. In view of materials in CD and peculiar factual background I loath to exercise jurisdiction u/s 438 Cr.P.C. Hence, bail prayer stands **rejected**.

The Crl. Misc. Case stands disposed off to the extent above.

Send back CD and L.C.R accordingly.

Inform all concerned.

Asstt. Sessions Judge, Morigaon

