

**Crl. Misc. No. 908/19**

**29.11.2019** Bail petitioner for accused persons Mojibur Rahman and Abul Kasem represented.

The instant bail application has been filed U/S 438 Cr.PC praying for grant of pre-arrest bail by accused petitioners namely- **Mojibur Rahman** and **Abul Kasem**, who are apprehending arrest in connection with Laharighat P.S. Case No. 394/2019,(G.R No. 3636/19) U/S 341/342/354B/325/34 IPC.

Learned Addl. P.P. Mr. N. A. Choudhury notified and appeared.

Petition is supported by an affidavit filed by Mojibur Rahman and Abul Kasem swearing that no bail petition has been filed or rejected or pending in Hon'ble High Court or any other Court.

On 19.10.2019 at about 11.00 p.m. while informant's husband was returning home, accused persons Mojibur Rahman and Abul Kasem alleging him of theft of mobile confined him and was assaulting him by tying. On getting the information when informant went to save her husband, accused persons also assaulted her and beat her with fist blow. Hence, this case.

Learned engaged counsel for the bail petitioner submitted that accused petitioners are innocent. He also submitted that mens rea u/s 354B IPC lacks on part of accused person and that case is a cooked up. Learned Addl. P.P. Mr. N. A. Choudhury submitted to pass order as per law.

Perusal of CD shows that vide medico legal report victim sustained no injury. Considered material in CD.

Considering all aspects in light of CD arresting authority is directed that accused petitioners **Mojibur Rahman** and **Abul Kasem**, each shall be released on bail in the event of his arrest, on furnishing bail bond of Rs. 20,000/-(twenty thousand) with one fit surety of like amount to the satisfaction of the investigating agency, on condition that accused person, will co-operate with investigation.

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

Send back CD & L.C.R accordingly.

Inform all concerned.

Asstt. Sessions Judge, Morigaon

