

Present : Alhaj S. Mazumdar  
Assistant Sessions Judge  
Morigaon

Bail Application No. 257/2020

**04.06.2020** Case record has been received on transfer from the Honorable Sessions Judge, Morigaon for disposal.

The instant bail petition is filed u/s 439 Cr.PC praying for granting bail to accused Habibur Rahman who have been in judicial custody since 12.05.2020 in connection with Mikirbheta P.S. Case No. 154/2020 u/s 447/325/307/354/34 IPC.

Heard learned counsel for bail petitioner and learned Addl. P.P. Mr. N. A. Choudhury.

The FIR lodged by the informant Jamir Uddin discloses that on 4.05.2020 at about 6.00 p.m. the accused persons Imran Ali, Aman Ullah, Mukshidul, Baharul, Jalal and Habibur Rahman wrongfully entered the house premises of the informant and assaulted to his son namely Nur Islam as a result of which he sustained injury on his head and his various parts by means of iron rod and when his wife and daughter arrived at the place of occurrence, the said accused persons assaulted his wife and outraged the modesty of his daughter by tearing the clothes she was wearing and also assaulted and caused her injury.

The co-accused of Mikirbheta P.S. Case No. 154/2020 was released on bail after considering the material in the case diary. In their statement u/s 161 Cr.PC the witnesses stated that accused persons of the said case assaulted Nur Islam by means of iron rod and caused him injury. The injury report in the case diary showed that the injuries sustained by the injured persons namely Nur Islam, Minara Khatun and Jahera Khatun are simple caused by blunt weapon. Such injuries do not attract offence u/s 307 IPC.

Considering the above I find it a fit case to allow the accused Habibur Rahman to be released on bail and as such the bail prayer is allowed.

Accused Habibur Rahman be released on bail on executing a bond of Rs.15,000/- (Rupees Fifteen thousand) with one surety of like amount to the satisfaction of Elaka Magistrate/Magistrate on roster duty.

Accordingly bail application stands disposed of.

Let a copy of the order be given to the petitioner/learned engaged counsel of the petitioner free of cost under the signature of Bench Assistant/Head Assistant for their record.

Send a copy of this order to learned Chief Judicial Magistrate, Morigaon.

Assistant Sessions Judge  
Morigaon