

**Present Mr. C. B. Gogoi, Sessions Judge,  
Sonitpur, Tezpur  
Misc.(Crl) Case No. 227/2021**

**ORDER**

**11-08-2021**

Seen petition No. 764/2021 filed by petitioner/accused Madhab Biswas seeking pre-arrest bail in connection with Tezpur PS Case No. 1318/2021 u/s 307/326/447 IPC.

In terms of the last order dated 07-08-2021 I.O. has produced the case diary along with the injury report of the victim and assigns reason of his inability to produce the injury report in court on the last occasion. Having considered the reasons assigned this court refrain from proceeding against the I.O.

On the other hand, having heard the argument of the learned lawyers appearing for the state as well as learned counsel appearing for the accused petitioner and having taken into consideration the medical report of the injured as against the allegations made in the FIR, it appears that the accused had attempted to kill the informant with a sharp cutting weapon. But due to resistance by informant his life was somehow saved with simple lacerated injury measuring 6 x 5 x 1 cm on left hand. This clearly suggests that accused made a serious attempt to kill the informant with a sharp cutting weapon but informant was providentially escaped.

Though, the learned counsel appearing for the accused submitted that there was a small incident of pull and push between accused/petitioner and informant regarding money matter. This court do not found force in his contention.

It is trait that in an offence u/s 307 IPC the injury is not material but the intention of the accused is crucial. In the present case, accused attacked the informant with a sharp cutting weapon and also caused bodily injury.

Therefore, considering the nature and gravity of the offence alleged, this court is not inclined to extend the benefit of pre-arrest bail to

accused/petitioner Madhab Biswas. In the result, bail petition stands rejected.

Let the case diary be returned in seal cover.

Accordingly, the bail petition stands disposed off.

Sessions Judge  
Sonitpur, Tezpur