

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 543/2022

Dilara Begum Barbhuya

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>03-11-22</u>	<p>This is an application u/s 439 Cr.P.C. filed by Dilara Begum Barbhuya seeking bail for accused Md. Saleh Ahmed Barbhuyan & Md. Farhaj Siddique in connection with Chariduar PS Case No. 154/2022 u/s 120(B)/448/307 IPC r/w Section 25(1A)/27 of Arms Act, corresponding to G.R. Case No. 1781/2022.</p> <p>The allegation in the FIR is that on 21-08-2022 at 3.40 PM complainant lodged an FIR at Chariduar PS stating inter alia that on that day at 10.30 AM the FIR named accused person along with one Saleh Ahmed Barbhuyan came to the village in a Renault Duster vehicle and had discussion with the complainant but suddenly, the accused persons got excited and opened fire aiming to the complainant. In the firing, the complainant sustains injury on his chest. Then, the villagers gather there and apprehend the accused persons and also assaulted them. Later on, police arrived and both the accused persons were handed over to the police.</p> <p>I have heard the learned lawyers appearing for both sides.</p> <p>It is seen that accused were arrested by police on 25-08-2022 for more than 60 days and the I.O. submitted the charge-sheet on 30-09-2022 u/s 120(B)/448/307 IPC r/w Section 25(1-A)/27 of Arms Act before completion of statutory period.</p> <p>As per Section 167(2) Cr.P.C. accused is not entitled to bail as a matter of right.</p> <p>However, learned counsel for accused submits that in the incident, public assaulted the accused persons causing fracture of both hands of accused and accused needs medical attention. Therefore, prays for bail.</p>	

	<p>Having considered all the attending factors, particularly, keeping in mind the fact that after filing charge-sheet there is no requirement of detention of the accused persons for the purpose of further investigation.</p> <p>In the result, both the accused namely, Md. Saleh Ahmed Barbhuyan & Md. Farhaj Siddique are enlarged on bail of ₹30,000/- (Rupees Thirty Thousand) each with one local surety of like amount each i/d jail to the satisfaction of learned Elaka Magistrate.</p> <p>Accordingly, the case is disposed of.</p>	<p>Sessions Judge, Sonitpur, Tezpur.</p>
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