

**ORDER-SHEET FOR MAGISTRATE'S RECORDS**  
**DISTRICT : SONITPUR.**  
**IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR**  
**Criminal (Bail) No. 575/2022**

**Md. Jakir Hussain & Anr.**

**Vs.**

**State of Assam**

<b>Sl. No. of Orders</b>	<b>Date</b>	<b>Order</b>	<b>Signature</b>
	<b><u>21-11-22</u></b>	<p>This is an application u/s 438 Cr.P.C. filed by accused petitioners Md. Jakir Hussain &amp; Md. Abu Kalam who is in jail in connection with Dhekiajuli PS Case No. 294/2022 u/s 147/149/325/307 IPC, corresponding to G.R. Case No. 1794/2022.</p> <p>I have heard the learned lawyers appearing for both sides and also gone through the case diary.</p> <p>The allegation in the FIR is that informant lodged an FIR in Singri Out Post under Dhekiajuli PS alleging inter alia that the brother of informant was building a shop on 23-09-2022 and at 10 PM during his working time FIR named accused No. 4 Md. Jamiruddin called him and then the FIR named accused persons assaulted him at his hands, forehead, legs, back in front of house of accused No. 1 Md. Jakir Hussain and as a result of assault victim suffered grievous injury. Then, the accused persons by tying his hands, legs and mouth threw the victim in the courtyard of Md. Kalam. Hearing the hulla, villagers informed VDP Secretary who then informed police. Then, police came and sent the victim to TMCH. Hence, the case.</p> <p>It is submitted by learned counsel for State that there is serious allegation of attempt to murder of the victim Dildar Hussain by accused Jamir Uddin, Jakir Hussain and Abu Kalam while he was returning home after constructing his shop. Therefore, the accused persons do not deserve to be released on pre-arrest bail.</p>	

On the other hand, learned counsel appearing for the accused petitioners contends that there was a small incident took place between alleged victim and accused and no such serious injury has been caused or any such attempt to kill the victim has been made by any accused. The FIR does not disclose with which weapon accused tried to commit murder of the victim.

Having heard the contention of the learned lawyers appearing for both sides and on careful perusal of the contents of the case diary, it appears that contrary to the allegations made in the FIR, this court do not find any such proof to show that the alleged victim had suffered any injuries and had taken any treatment for causing the alleged injuries.

Therefore, considering the facts emerged in the case diary, this court is of the considered view that this is a fit case where the benefit of pre-arrest bail can be extended to the accused petitioners.

Accordingly, in the event of arrest of accused petitioners namely, Md. Jakir Hussain & Md. Abu Kalam, the I.O. is directed to release them on pre-arrest bail in execution of a bond of ₹15,000/- (Rupees Fifteen Thousand) only **each** with one local surety of like amount **each** to his satisfaction.

Send back the case diary in seal cover.

Accordingly, bail petition is disposed of.

Sessions Judge,  
Sonitpur, Tezpur.