

Misc.(Bail) Case No. 183 of 2021.

Present. Smt. T. Hussain

Addl. Sessions Judge, Biswanath Chariali

06-01-2022.

This Bail Petition filed for the accused Ankurjyoti Hazarika, u/s- 439 Cr.P.C in connection with Behali police station Case No. 91/21, u/s- 302/34 IPC is taken up for further hearing as the called for case diary is received.

Heard the learned counsel appearing for the accused as well as learned Addl. P. P. and carefully perused the materials available in the case diary.

The Facts leading to filing of the instant bail petition u/s- 439 of Cr.P.C in brief are that on 01-12-2021, the informant Smt. Hemlata Das lodged an ejahar alleging inter-alia that on 27-11-2021 at about 11.30 PM, while her son Biswajit Das was returning home after attending a marriage ceremony in the village, on the way the accused Uday Hazarika along with the co-accused persons surrounded him and killed him and later his dead body was recovered from the pond of the accused Uday Hazarika.

Accordingly Behali police station Case No. 91/21, u/s- 302/34 IPC was registered and investigation started. Thereafter the aforesaid accused, Ankurjyoti Hazarika was arrested on 01-12-2021 along with co-accused Uday Hazarika and forwarded to the court and since then, he has been in judicial custody in connection with this case.

Now, on perusal of the case diary it is found that though the ejahar was lodged on 01-12-2021, Behali police station GDE No. 536 dated 27-11-2021 was lodged in respect of the matter on the very date of the occurrence.

It is found that there were electric wires around the pond of the accused Uday Hazarika from which the dead body was recovered by the accused Ankurjyoti Hazarika along with co-accused Uday Hazarika. As per the inquest report, head injury was seen over the body of the deceased, little blood found on both the side of the head.

Considering the materials so far collected by the IO, I find it not a fit case to allow the bail prayer made for the accused Ankurjyoti Hazarika at this stage. Accordingly, the bail prayer is rejected.

Send back the C/D.