

**Misc.(Bail) Case No. 01 of 2022.**

**Present. Smt. T. Hussain**

**Addl. Sessions Judge, Biswanath Chariali**

**10-01-2022.**

This Bail Petition filed for the accused Binod Borah, u/s- 439 Cr.P.C in connection with Sootea police station Case No. 178/21, u/s- 353/333/34 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 12-12-2021 at about 10.30 PM as per the direction of the O/C, Sootea police station, NK/596, Krishna Bah Chetry of Sootea police station went with ASI, Surya Kr. Bhuyan to the house of the accused Binod Borah, at Solalgaon to bring him to the police station. When they arrived there, the accused Dilip Borah instructed his son Binod Borah to bring a dao and to attack the police personnel. Following his father's instructions, the accused Binod Borah chased the police personnel armed with dao. When NK/596, Krishna Bah Chetry put forwarded his hands to resist the accused, in that process he sustained fracture in his left hand. In that respect NK/596, Krishna Bah Chetry lodged the ejahar on 13-12-2021 giving rise to Sootea Police station case no. 178/2021 u/s 353/333/34. Thereafter, on 13-12-2021 the accused Binod Borah was arrested and forwarded to the court. Thus since 14-12-2021, the accused Binod Borah has been in judicial custody.

It is submitted by the Ld. Counsel appearing for the accused person that he is totally innocent.

Now on perusal of the case diary, it is found that on 12-12-2021 at about 10.30 PM, one woman from Solalgaon reported the police that her husband had picked up quarrel with her. Thereafter the O/C Sootea police station sent ASI Surya Kr. Bhuyan accompanied by his staff for bringing the said Binod Borah to the police station. On their arrival in the residence of Binod Borah, the police personnel found that Binod Borah was consuming alcohol sitting inside a vehicle. On being called by the police, he came out and picked up quarrel with the police personnel and also started scuffling with them. As a result NK/596, Krishna Bah Chetry and the accused Binod

Borah felled on the ground after which Binod Borah brought a dao and hit in the hand of NK/596, Krishna Bah Chetry with he handle of the dao causing fracture of his hand.

Thus it is seen that there are sufficient incriminating materials against the accused Binod Borah. Hence I find it not a fit case to allow the bail prayer at this stage. Accordingly, the bail prayer is rejected.

Send back the C/D.