

**ORDER-SHEET FOR MAGISTRATE'S RECORDS**  
**DISTRICT : SONITPUR.**  
**IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR**  
**Misc. Criminal (Bail) No. 519/2022**

**Md. Fakrul Islam**

**Vs.**

**State of Assam**

Sl. No. of Orders	Date	Order	Signature
	<b><u>01-11-22</u></b>	<p>This is an application u/s 439 Cr.P.C. filed by Md. Fakrul Islam seeking bail for accused Md. Jiabur Hussain @ Jiabur Rahman who was arrested by police in connection with Dhekiajuli PS Case No. 863/2018 u/s 366(A) IPC corresponding to G.R. Case No. 4430/2018.</p> <p>The allegation in the FIR is that on 11-11-2018 at 11 PM the daughter of informant aged 16 years got missing from her bedroom and after search, they got to know that FIR named accused Md. Jiabur Rahman kidnapped the daughter of informant. Hence, the case.</p> <p>I have heard the learned lawyers appearing for both sides and also perused the contents of the case diary.</p> <p>Learned counsel for State submitted that it is a serious case of kidnapping of a minor girl from her house forcefully. Therefore, accused do not deserve to be released on bail.</p> <p>On the other hand, learned counsel S. Hoque appearing for accused person contended that the girl voluntarily went with the accused but he has been arrested by police on wrong perception. Moreover, accused has been languishing in jail since 29-09-2022 for more than a month and there is no need to further detain the accused for further investigation as charge-sheet has already been filed and the case has already been committed to court of Sessions for trial.</p> <p>Having considered the contention of the learned counsels appearing for both sides and on careful perusal of the entire case diary, it transpires that accused had allegedly kidnapped the victim girl. Be that as it may, by now, as submitted by learned counsel for accused, accused has been in jail for more than a</p>	

	<p>month and on submission of charge-sheet by police the case has also been committed for trial.</p> <p>Under such circumstances, detention of accused in judicial custody is not warranted. It is also seen that accused is a local person having his property. As such, there is no chance of fleeing away from justice.</p> <p>In the result, accused Md. Jiabur Hussain @ Jiabur Rahman is enlarged on bail of ₹15,000/- (Rupees Fifteen Thousand) only with one local surety of like amount i/d Jail.</p> <p>Accordingly, the case is disposed of.</p>	<p>Sessions Judge, Sonitpur, Tezpur.</p>
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