

Misc.(Bail) Case No. 436 of 2022

O R D E R

13-09-2022

Seen the petition No. 1837/22, filed by accused/petitioner Bijit Paul, seeking pre-arrest bail, in connection with Dhekiajuli PS Case No. 275/22 u/s 302/307/325/34 IPC, corresponding to GR Case No. 1730/22

I have heard the learned lawyers appearing for both sides. I have also gone through the contents of the case diary.

The allegation in the FIR is that on 28-08-2022 one Bimola Ranjbongshi lodged an FIR in Dhekiajuli Police station stating that one Samir Paul along with Bijit Paul run a Broiler Farm but on 26-08-2022 at 8 PM there was a quarrel between them regarding management of the Broiler Farm and subsequently Bijit Paul by engaging one Amulya Das assaulted Samir Paul on 27-08-2022 at 2 PM causing severe injuries following which victim was rushed to TMCH then to GMCH for better treatment. Hence, the case for taking necessary action.

Learned counsel for the state Sri Baruah submitted that it is a case of pre planned murder by accused/petitioner by engaging a third party as contract killer. The deceased and present accused petitioners are brothers who run a broiler farm but due to differences between them, present accused nurtured enmity with deceased and on the fateful day caused him deadly injuries for which he was rushed to TMCH then to GMCH and finally injured took his last breath. It is submitted that it is a heinous crime of murder. Given the nature and allegation against the accused person, do not deserve to be released on pre-arrest bail.

On the other hand, learned counsel for accused submitted that both the deceased and accused are brothers and they are running a joint pollutary farm. Though there are some difference between them, accused/ petitioner do not responsible for death of his brother. The quarrel took place between Samir Paul and Amulya Das and the present accused/petitioner is no where in the picture he has been falsely implicated in the case.

Having heard the learned lawyers appearing for both sides and taken into consideration of submissions made and on consideration of the case record it reveals that there is direct formidable evidence emerged in the case diary showing the complicity of accused Bijit Paul in the incident of murder of Samir Paul. Case diary reveals that the grain behind the heinous crime of murder of Samir Paul is Bijit Paul who planted the seeds of enmity between the brothers and made a secret plan to eliminate his brother and engaged Amulya Das who deadly attacked Samir Paul with lathi consequent upon which Samir Paul died in hospital.

As it appears the present accused/petitioner is the main conspirator who eliminate his brother through another person engaging him as contract killer so as to prove his innocence.

In view of the foregoing reasons, this court do not consider it a fit case to extend the benefit of pre-arrest bail to petitioner/accused Bijit Paul.

In the result, bail petition stands rejected.

Let the case diary be returned.

(C.B. Gogoi)
Sessions Judge,
Sonitpur, Tezpur.