

IN THE COURT OF ADDITIONAL SESSIONS JUDGE (FTC)
LAKHIMPUR, NORTH LAKHIMPUR

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1. Nazir Hussain

.....Accused

Vs.

State of Assam

.....Opposite party

Present: Syed Burhanur Rahman, A.J.S.
Addl. Sessions Judge (FTC)

Advocate for the accused : Mr. Nitul Borah
Advocate for the State : Mr. M. P. Hazarika
Date of hearing : 28.12.2022
Date of order : 28.12.2022

ORDER

1. Learned Addl. P.P is present.
2. Learned counsel on behalf of the accused Nazir Hussain has filed the instant petition U/s 439 Cr.P.C for granting the bail to the accused in connection with the North Lakhimpur P.S. Case No. 626/2022, corresponding to G.R Case No. 1312/2022, u/s 302 of IPC.
3. As per the allegation is that on 29.11.2022 one Md. Ainul Hoque lodged an FIR to the effect that on 29.11.2022 at around 4 p.m, accused persons namely (1) Nazir Ali, (2) Dildar Ali, (3) Gendhu, (4) Madhab and (5) wife of Gendhu killed his 2nd son and

threw the body at the backyard of Dumping Ground, near Somdiri River under North Lakhimpur Police Station. Accordingly the FIR was lodged against the accused persons.

4. Learned counsel on behalf of the accused has submitted that he is not involved in the instant case and merely on the basis of suspicion the present accused was taken in custody by the police on 01.12.2022.
5. Learned Addl. P.P on the other hand has submitted that there are sufficient incriminating materials against the accused person. Therefore the benefit of bail may not be granted to the present petitioner. Learned Addl. P.P has also drawn the attention of this court regarding the bail objection filed by the concerned I.O.
6. Today the matter is fixed for case diary. And accordingly this court has received the case diary. Upon perusal of the case diary it is revealed that there are sufficient incriminating materials against the present accused. The wife of the deceased has recorded her statement u/s 164 Cr.P.C which also revealed the sufficient incriminating materials against the present accused. That apart the investigation is at the initial stage. Therefore the custodial interrogation is required of the present petitioner.

7. In view of the discussion made above, this court is of the considered opinion that the instant case is not a fit case to grant the benefit of bail to the accused and accordingly the instant bail petition is rejected.

8. **Disposed of.**

9. Case record/ Case diary may be returned back.

Given under my hand and seal of this Court on this the 28th day of December/ 2022.

(Syed Burhanur Rahman)
Addl. Sessions Judge,(FTC)
Lakhimpur, North Lakhimpur

Certified that the order is typed
to my dictation and corrected by
me and each page bears my signature.

(Syed Burhanur Rahman)
Addl. Sessions Judge (FTC)
Lakhimpur, North Lakhimpur