

Crl. Misc. 260/2022

IN THE COURT SESSIONS JUDGE, LAKHIMPUR, NORTH LAKHIMPUR

1. Sri Niranjan Aind
2. Ismail Sabbar

.....Accused

Vs.

State of Assam

.....Oppo

site party

Present: Syed Burhanur Rahman, A.J.S.
Sessions Judge, I/c

Advocate for the accused : Sri Aditya Boruah

Advocate for the State : Mr. J. Saikia

Date of hearing : 31.10.2022

Date of order : 31.10.2022

ORDER

1. Learned Public Prosecution is present.
2. Learned counsel on behalf of the accused Sri Niranjan Aind and Ismail Sabbar have filed the instant petition U/s 439 Cr.P.C for granting the bail to the accused persons in connection with the North Lakhimpur P.S. Case No. 496/2022, corresponding to G.R Case No. 1031/2022, u/s 120(B)/302 along with the added section 295(A)/306 of IPC.
3. As per the allegation made by the informant Sri Debananda Mili had lodged an F.I.R stating that there was love affair between brother of the informant Biki Bishal and Miss Ani

Kadraka. That on 06.09.2022, at night Biki Bishal brought Ani Kadraka to informant's house to marry her. But due to the difference in religion between Biki Bishal and Ani Kadraka, and also that the girl is minor, Biki's family did not accept the girl and asked Biki to return her back to her father's house. But at that time the FIR named accused namely (1) Dilip Kadraka , (2) Koin Kadraka and (3) Habil Kadraka along with around 200 peoples gathered at the house and attacked his family and took away Ani Kadraka with them. On 11.09.2022 at around 7.30 A.M, unknown person called Biki Bishal over phone to come out of his home and since then he had not returned back to home. On 12.09.2022 at around 7.30 am, one Bikash Bhuyan informed the informant that the body of Biki Bihsal was seen hanging in a tree and accordingly the informant found the dead body of Biki Bishal hanging in the tree. The body of Biki Bishal was seen in kneeling position touching earth and several injuries were spotted at the body. Hence, the case is registered against the accused person.

4. Learned counsel on behalf of the accused/petitioners has submitted that both the petitioners' names are not mentioned in

the FIR. They are nowhere connected in the instant case. That apart both the accused persons are in custody since 15.09.2022. Therefore, they may be granted the benefit of bail.

5. Learned Public Prosecutor on the other hand has submitted that considering the gravity of offence and that one innocent life of lost and also that there are incriminating materials against the accused persons, the bail may not be granted at this stage.
6. I have perused the case diary available before me. Upon perusal of the case diary it is revealed that the accused are in custody for last 1 ½ month. That apart I have also perused the statement recorded u/s 161 of Cr.P.C of various witnesses as well as the accused persons. As there is substantial progress in the investigation, this court is of the view that no further custodial detention is required of the accused persons. Therefore, the accused/petitioners namely (1) Sri Niranjan Aind and (2) Ismail Sabbar are granted the benefit of bail, subject to the satisfaction of the concerned court.
7. Accordingly, the bail petition is allowed and the accused Sri Niranjan Aind and Ismail are allowed to go on bail of Rs. 20,000/- (Rupees

Twenty Thousand) only with one surety each of the like amount to the satisfaction of the concerned court. However, the following bail conditions are imposed:

- i. The accused will not abscond and will regularly appear before the trial court.
- ii. The accused will not temper with evidence, will not intimidate and/or influence witnesses/ victim.
- iii. The accused is to furnish photocopy of Voter Card/ Aadhaar Card or any other tangible government document portraying his photograph and address.
- iv. Violation of the bail condition will make bail liable to be cancelled.

8. **Disposed of.**

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

Given under my hand and seal of this Court on this the 31st day of October/ 2022.

(Syed Burhanur Rahman)
Sessions Judge, I/c
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)
Sessions Judge, I/c
Lakhimpur, North Lakhimpur