GAHC010077952020

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln. 1136/2020

1:BAHAR UDDIN LASKAR @ BABUI ANAD 2 ORS.
S/O- LT. MOIBAR ALI LASKAR, VILL- PURBAGOOL, P.S. AND DIST.- HAILAKANDI, ASSAM

2: SALIM UDDIN LASKAR
S/O- BAHAR UDDIN LASKAR
VILL- PURBAGOOL
P.S. AND DIST.- HAILAKANDI
ASSAM

3: SAIBUR RAHMAN LASKAR
S/O- BAHAR UDDIN LASKAR
VILL- PURBAGOOL
P.S. AND DIST.- HAILAKANDI
ASSA

VERSUS

1:THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR H DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

O R D E R

24-06-2020.

By filing this petition under Section 439 of the CrPC, the three petitioners namely Bahar Uddin Laskar @ Babul, Salim Uddin Laskar and Saibur Rahman Laskar, who are in custody since 09.02.2020, have prayed for releasing them on regular bail in connection with Algapur P.S. Case No.50/2020 (corresponding to G.R. No.296/2020), under Sections 147/148/149/341/342/320/302 of the IPC.

Heard learned counsels for both sides and perused the scan copy of the LCR along with the case diary.

As per the FIR, on 09.02.2020, at about 1 P.M., the son of the informant Abhijit Sarma Mazumdar along with Protap Roy and Probhat Ray, went to Jokirtol L.P. School to settle a land dispute, as invited by the accused persons. On reaching the place of occurrence, the accused persons, during the course of discussion suddenly attacked and assaulted said Protap Roy, Probhat Ray and Abhijit Sarma Mazumdar with pre-planned manner. As a result of such attack and assault, Protap Roy and Probhat Ray sustained injuries on their person and Abhijit Sarma Mazumdar succumbed to his injuries on the spot.

During the course of investigation, vital eye witnesses were examined who were present at the meeting and they have given their statement under Section 161 as well as under Section 164 of the CrPC, that primarily the present three accused persons who are father and sons, played the pivotal role in assaulting those persons and such attack was in a pre-planned manner and the son of the informant died out of severe injuries caused by the present three accused persons, although there were some other persons at the time of occurrence along with the present accused persons.

The post mortem report also reveals that Abhijit Sarma Mazumdar sustained severe sharp cut injuries on his person and the injuries were homicidal in nature. Upon finding sufficient materials against the accused persons, the charge sheet has been submitted within the stipulated period, against seven accused persons including the present accused petitioners. The complicity of the accused petitioners is found to be apparent and the offence is under Section 302 of the IPC along with other sections of law, which is serious in nature.

The submission of the learned counsel for the petitioners that the trial of the case will take time, as attendance of some other charge sheeted absconding accused persons yet to be procured, cannot be a ground for consideration of bail at this stage, whereas there is prima facie material against the accused persons in a serious offence like murder. The trial Court is at the liberty to consider such bail prayer on merit, at the relevant point of time.

Having regard to the material on record and the apparent complicity of the present accused petitioners with the serious offence, this Court is not inclined to grant the bail, as sought for.

Accordingly the bail prayer stands rejected at this stage.

True copy of the order be furnished under the seal and signature of the Court master.

JUDGE

Comparing Assistant