

AB 2533/2012
BEFORE
THE HON'BLE MR. JUSTICE B.D.AGARWAL

By this application under Section 438 of the Code of Criminal Procedure, 1973, the petitioner Nos. 1, 2, 3, 4, 5, 6 and 7, namely, Sri Fazar Ali, Sri Jahidul Islam, Sri Maznul Hoque @ Majnur Huque, Sri Anowar Hussain, Sri Saibibar Rahman, Sri Faizur Rahman and Sri Shahidul Islam respectively, are praying for bail apprehending their arrest in connection with Barpeta Road PS Case No. 137 of 2011, under Sections 147/148/149/341/342/324/325/326 and added Section 302 of the Indian Penal Code, 1860.

Heard Sri A Choudhury, learned counsel for the petitioners as well as Sri A Begum, learned Additional Public Prosecutor for the State of Assam. Also perused the Case Diary.

Sri Choudhury, learned counsel submitted that as per the FIR, the accused Nos. 1 to 10 only had taken part in the physical assault. The remaining accused persons have been named since they were also present at the place of occurrence.

During the course of hearing, the learned Additional Public Prosecutor submitted that no witness has spoken about any active part in the physical assault upon the deceased by the petitioners in this case.

Accordingly, the bail prayers are accepted. Hence, the Investigating Officer is directed to release the aforesaid petitioners, on bail, on their furnishing bail bonds of Rs. 25,000/-, with one surety each of the like amount subject to his satisfaction, in the event of their arrest in connection with the aforesaid PS Case.

The petitioners are directed to appear before the Investigating Officer within a period of ten days from today and they shall co-operate in the investigation of the case.

With the aforesaid directions, this Anticipatory Bail Application stands disposed of.