

GAHC010011672023



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

Case No. : AB/146/2023

NURAL AMIN @ MOSADDIN AND 3 ORS.
S/O LT. OMAR ALI R/O VILL. BANGALIPARA PT-I P.O. AND P.S. BILASIPARA
DIST. DHUBRI ASSAM PIN-783348

2: MONIRA KHATUN @ MONIRA BIBI
W/O NURAL AMIN R/O VILL. BANGALIPARA PT-I P.O. AND P.S.
BILASIPARA DIST. DHUBRI ASSAM PIN-783348

3: NOOR ISLAM @ NUR ISLAM
S/O NADU SK R/O VILL. BANGALIPARA PT-I P.O. AND P.S. BILASIPARA
DIST. DHUBRI ASSAM PIN-783348

4: SHIRINA BEGUM
W/O NURUL HUDA R/O VILL. BANGALIPARA PT-I P.O. AND P.S.
BILASIPARA DIST. DHUBRI ASSAM PIN-78334

VERSUS

THE STATE OF ASSAM
REP .BY THE PP, ASSAM

Advocate for the Petitioner : S I AKAND

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 20-03-2023

1. Heard Mr. D Talukdar, learned counsel for the petitioners. Also

heard Mr. BB Gogoi, learned Addl. PP, appearing for the State respondent.

2. The petitioners, namely, **1. Nural Amin @ Mosaddin, 2. Monira Khatun @ Monira Bibi, 3. Noor Islam @ Nur Islam & 4. Shirina Begum**, have filed an application under section 438 Cr.P.C., for grant of pre arrest bail in connection with **Bilasipara PS Case No.390/2022** under sections **143/341/325/326** IPC.

3. I have perused the case diary and also considered the submissions at the bar.

4. It is submitted on behalf of the petitioners that there was a group clash between two factions and a cross case has been lodged against the informant's side. The deceased Harun Rashid who died in the incident was related to the petitioner No.3 Noor Islam @ Nur Islam. As a result of the act of the informant's side, Harun Rashid succumbed to his injuries. It is submitted that the petitioners were in fact the aggrieved and the informant's side were the aggressors. Except Noor Islam@ Nur Islam, all the petitioners are on interim bail. All the petitioners have appeared before the IO and their statements have also been recorded.

5. The interim order dated 20.01.2023 is hereby made absolute in connection with petitioner Nos.1, 2 and 4 i.e, Nural Amin @ Mosaddin, Monira Khatun @ Monira Bibi and Shirina Begum under the same terms and conditions.

6. So far as the petitioner No.3 **Noor Islam @ Nur Islam** is concerned, in the event of arrest of the petitioner No.3 Noor Islam @ Nur Islam, the petitioner No.3 Noor Islam @ Nur Islam shall be

enlarged on bail of Rs.25,000/- with a suitable surety of like amount to the satisfaction of the arresting authority subject to the condition that:

- i. The petitioner will appear before the IO within 7 days and cooperate with the investigation;
- ii. the petitioner will not exercise threats to witnesses;
and
- iii. the petitioner will not leave the jurisdiction of the Court without prior permission from the Court.

7. The instant application stands disposed of. Send back the case diary.

JUDGE

Comparing Assistant