

GAHC010018622023



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

Case No. : AB/274/2023

IDRISH HOSSAIN @ IDRISH ALI AND 17 ORS
S/O- LATE ABDUL MOTIN @ MENTU SK, R/O- VILL- BANGALIPARA PT-I,
P.O AND P.S- BILASIPARA, DIST- DHUBRI, ASSAM, PIN- 783348

2: AJAHARUL HOQUE
S/O- SADEM ALI
R/O- VILL- BANGALIPARA PT-I
P.O AND P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

3: HAMIDUL HOQUE
S/O- LATE PUNA SK
R/O- VILL- BANGALIPARA PT-I
P.O AND P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

4: MIZANUR RAHMAN
S/O- LATE KOLIMUDDIN
R/O- VILL- BANGALIPARA PT-I
P.O AND P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

5: NAZIR HUSSAIN
S/O- LATE KOLIMUDDIN
R/O- VILL- BANGALIPARA PT-I
P.O AND P.S- BILASIPARA
DIST- DHUBRI
ASSAM

PIN- 783348

6: ABDUL MOTIN @ MANTU SK
S/O- LATE OMAR ALI
R/O- VILL- BANGALIPARA PT-I
P.O AND P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

7: ABU MOSADDIN NOORZAMAL @ TUKUL ALI @ ABU MOSADDIN
NURUL HUDA
S/O- LATE OMAR ALI
R/O- VILL- BANGALIPARA PT-I
P.O AND P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

8: NURUL HUDA @ MUKUL ALI
S/O- LATE KOLIMUDDIN
R/O- VILL- BANGALIPARA PT-I
P.O AND P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

9: NASRA SK
S/O- PAGALU SK
R/O- VILL- BANGALIPARA PT-I
P.O AND P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

10: AJIT ALI
S/O-PAGALU SK
R/O- VILL- BANGALIPARA PT-I
P.O AND P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

11: MENEKA BIBI @ MENEKA KHATUN
W/O- MOSADDIN SK
R/O- VILL- BANGALIPARA PT-I
P.O AND P.S- BILASIPARA
DIST- DHUBRI

ASSAM
PIN- 783348

12: KODBHANU BIBI
W/O-ANIRUL ISLAM
R/O- VILL- BANGALIPARA PT-I
P.O AND P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

13: KOHINUR HOQUE
S/O- NESRA SK
R/O- VILL- BANGALIPARA PT-I
P.O AND P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

14: ILMINA BIBI
W/O- AZIZUL RAHMAN @ GETU SK
R/O- VILL- BANGALIPARA PT-I
P.O AND P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

15: AMBIYA BIBI
W/O- MUNTU ALI
R/O- VILL- BANGALIPARA PT-I
P.O AND P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

16: ABSARUL @ PAKHI SK
S/O- ANSER ALI
R/O- VILL- BANGALIPARA PT-I
P.O AND P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN- 783348

17: MOTIYAR ALI
S/O- SORIFUDDIN
R/O- VILL- BANGALIPARA PT-I
P.O AND P.S- BILASIPARA
DIST- DHUBRI

ASSAM
PIN- 783348

18: JULEFA
W/O- BENGRA @ ASRAFUL HOQUE
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. Idrish Hossain @ Idrish Ali, 2. Ajaharul Hoque, 3. Hamidul Hoque, 4. Mizanur Rahman, 6. Abdul Motin @ Mantu Sk 7. Abu Mosaddin Noorzamal @ Tukul Ali @ Abu Mosaddin Nurul Huda, 8. Nurul Huda @ Mukul Ali, 9. Nasra Sk, 10. Ajit Ali, 12. Meneka Bibi @ Meneka Khatun, 13. Kodbhanu Bibi, 14. Kohinur Hoque, 15. Ilmina Bibi, 16. Ambiya Bibi, 17. Absarul @ Pakhi Sk, 18. Motiyar Ali & 19. Julefa**, 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 considered the submissions at the bar. I have also perused the case diary.

4. It is submitted on behalf of the petitioners that there was dispute between both the sides and in a group clash the petitioners have also sustained injuries.

5. It is submitted that the petitioners are aggrieved and the informant side happens to be the aggressors. A cross case has been lodged against the informant's side. Harun Rashid belonging to the petitioner's side succumbed to his injuries inflicted by the informant's side. The petitioners Idrish Hussain @ Idrish Ali, Abu Mosaddin Noorzamal @ Tukul Ali @ Abu Mosaddin Nurul Huda and Ambiya Bibi, Meneka Bibi @ Meneka Khatun, Kodhbhanu Bibi, Ilmina Bibi and Julefa are on interim bail. The order dated 02.02.2023 granting bail to the above named petitioners made absolute.

6. In addition and in the event of arrest of the petitioners in connection with the aforementioned case, the petitioners ***2. Ajaharul Hoque, 3. Hamidul Hoque, 4. Mizanur Rahman, 6. Abdul Motin @ Mantu Sk, 8. Nurul Huda @ Mukul Ali, 9. Nasra Sk, 10. Ajit Ali, 14. Kohinur Hoque, 17. Absarul @ Pakhi Sk and 18. Motiyar Ali***, shall be enlarged on bail of Rs.25,000/- each with a suitable surety of the like amount to the satisfaction of the arresting authority subject to the condition that:

i. The petitioners will appear before the IO within 7

days and cooperate with the investigation;

ii. the petitioners will refrain from such activities with which they are alleged;

iii. the petitioners will not leave the jurisdiction of the Court without prior permission from the Court till completion of the investigation.

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

JUDGE

Comparing Assistant