

GAHC010031292023



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

Case No. : AB/435/2023

AMINUL ISLAM AND ANR
S/O SORMAN ALI @ SURMAN ALI R/O PALHAJI P.S. BARPETA DIST.
BARPETA ASSAM

2: ABDUL AWAL
S/O SORMAN ALI @ SURMAN ALI R/O PALHAJI P.S. BARPETA DIST.
BARPETA ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

09.05.2023

Heard Mr. D. Borah, learned counsel for the petitioners and Ms. S.H. Borah, learned Addl. PP for the State.

2. This anticipatory bail application has been filed by the petitioners, namely, **1. Aminul Islam and 2. Abdul Awal**, apprehending arrest in connection with Barpeta

P.S. Case No. 2191/2021 under Sections 120(B)/147/148/447/325/379/302 of the IPC.

3. It is submitted that charge-sheet in the matter has in the meantime been filed being Charge-sheet No. 1043 dated 12.10.2022 under Sections 120(B)/147/148/447/379/302 of the IPC before the Court of JMFC, Barpeta.

4. The learned counsel for the petitioners submits that the petitioners are both brothers and they are drivers by professions. As per the FIR dated 10.10.2021 lodged by the informant one Elowara Ahmed, it was alleged that a group of person had attacked the informant and the family members in an attempt to possess the land belonging to the petitioners. In the ensuing attack committed by the accused persons named in the FIR including the petitioners, two persons lost their lives. The husband of the informant was killed as well as the informant's brother in law was also killed due to the assault. Accordingly, the FIR was lodged and the same was received and registered as Barpeta P.S. Case No. 2191/2021 under Sections 120(B)/147/148/447/325/379/302 of the IPC.

5. The learned counsel for the petitioners submitted that although the petitioners are named in the FIR, the dispute is with regard to two groups of persons. Although the petitioners were never present at the place of occurrence merely because they are known to be persons who may be connected with the offences, their names are also shown in the FIR and pursuant thereto, they are apprehending arrest in connection with the said case and has approached this Court.

6. The scanned copy of the LCR was called for.

7. Perusal of the scanned copy reveals that in the charge-sheet, the petitioners were shown to be absconders. There are materials which are seen from the scanned copy of the LCR which clearly implicates the petitioners.

8. The allegations made in the FIR are serious and the punishments prescribed under the statute if imposed on the petitioners in the event of their conviction are severe.

9. Considering all the materials presented before this Court including the materials available on perusal of the scanned copy called for by this Court. This Court is of the view that prayer for anticipatory bail cannot be granted to the petitioners at this stage. Petitioners are directed appear before the Competent Court and surrender in connection with the said case.

10. Accordingly, the anticipatory bail application stands rejected.

JUDGE

Comparing Assistant