

GAHC010060062023



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

Case No. : AB/1030/2023

DILDAR HUSSAIN AND 8 ORS
S/O DULAL UDDIN
R/O VILL- SHILLONGONI
P.S. NAGAON SADAR
DIST. NAGAON, ASSAM

2: GULZAR HUSSAIN
S/O DULAL UDDIN
R/O VILL- SHILLONGONI
P.S. NAGAON SADAR
DIST. NAGAON
ASSAM
PH. NO. 7002282767

3: ANUAR HUSSAIN
S/O DULAL UDDIN
R/O VILL- SHILLONGONI
P.S. NAGAON SADAR
DIST. NAGAON
ASSAM
PH. NO. 7002282767

4: DULAL UDDIN
S/O LT. ABDUL SOBHAN
R/O VILL- SHILLONGONI
P.S. NAGAON SADAR
DIST. NAGAON
ASSAM
PH. NO. 7002282767

5: SAYDUL RAHMAN
S/O LT. ABDUL SOBHAN
R/O VILL- SHILLONGONI
P.S. NAGAON SADAR

DIST. NAGAON
ASSAM
PH. NO. 7002282767

6: SWABAJE ALI
S/O LT. SULEMAN MUNSI
R/O VILL- PUB NARAMARI

P.S. NAGAON SADAR
DIST. NAGAON
ASSAM
PH. NO. 7002282767

7: CHAFIKUL ISLAM
S/O SBABAJE ALI
R/O VILL- PUB NARAMARI

P.S. NAGAON SADAR
DIST. NAGAON
ASSAM
PH. NO. 7002282767

8: MOFIDUL ISLAM
S/O SBABAJE ALI
R/O VILL- PUB NARAMARI

P.S. NAGAON SADAR
DIST. NAGAON
ASSAM
PH. NO. 7002282767

9: RAFIKUL ISLAM
S/O SBABAJE ALI
R/O VILL- PUB NARAMARI

P.S. NAGAON SADAR
DIST. NAGAON
ASSAM
PH. NO. 700228276

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

04.04.2023

1. Heard Mr. Y. Sikdar, learned counsel appearing for the petitioners as well as Mr. R. R. Kaushik, learned Addl. P.P. appearing for the State respondent.
2. The petitioners, namely, Dildar Hussain, Gulzar Hussain, Anuar Hussain, Saydul Rahman, Swabaje Ali, Chafikul Islam, Mofidul Islam, Rafikul Islam have filed this application under Section 438 Cr.P.C with prayer for pre-arrest bail as they are apprehending arrest in connection with Nagaon P.S. Case No. 69/2023, under Sections 147/148/149/325/326/307 IPC,
3. I have given my anxious consideration to the submissions at the Bar and I have perused the case diary.
4. The allegation against the petitioners is that on 23.01.2023 at about 12.00 noon, the accused named in the FIR assaulted Rashida Khatun, Anarul Hoque, Jiwaaur Rahman, Taibur Rahman, Jalaluddin, Samsul Hoque, and three others and hit them on their head, arms and on different parts of their body with sharp weapons and they sustained grievous injuries. Presently, three persons are in the hospital undergoing treatment.
5. The learned counsel for the petitioner has submitted that no specific act has been attributed to the petitioners. One person has sustained grievous injuries.
6. Learned Addl. P.P. has submitted that Taibur Rahman has sustained grievous injuries

caused by sharp weapon and other injured persons have sustained simple injuries. The statement of the witnesses under Section 161 Cr.P.C. incriminates the petitioner no. 2, Gulzar Hussain, petitioner no. 6, Swabaje Ali, petitioner no. 7, Chafikul Islam, petitioner no. 8, Mofidul Islam and the petitioner no. 9, Rafikul Islam. The bail prayers of the aforementioned persons are rejected at this stage of investigation. However, in the event of their arrest, the petitioners no. 1, Dildar Hussain, petitioner no. 3, Anuar Hussain, petitioner no. 5, Saydul Rahman, shall be enlarged on bail of Rs. 30,000/- each with a suitable surety each of like amount to the satisfaction of the arresting authority,

under the conditions that,

- (i) the petitioners will not hamper or tamper with the evidence;
- (ii) the petitioners will refrain from such activities with which they are alleged; and
- (iii) the petitioners will co-operate with the investigation and the petitioners will appear before the I/O within 10(ten) days.
- (iv) the petitioners will not leave the jurisdiction court without permission till the completion of the investigation.

Send back the case diary.

JUDGE

Comparing Assistant