

GAHC010072812023



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

Case No. : AB/1255/2023

RAJU AHMED BARBHUIYA
S/O SIRAJ UDDIN BARBHUIYA
R/O VILL- DHONEHARI PT.II
P.S. SONAI
DIST. CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N H BARBHUIYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 21.04.2023

Heard Mr. N. H. Barbhuiya, learned Counsel appears for the petitioners. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor appearing for the State of Assam.

(2) This Anticipatory bail petition under Section 438 Cr. P.C.

has been filed by the petitioner, namely, Raju Ahmed Barbhuiya, apprehending arrest in connection with an FIR dated 11.03.2023, which is registered as Sonai P.S. Case No. 37/2023 corresponding to G.R. Case No. 888/2023 under Section 147/326/379/436 of IPC.

(3) By an FIR dated 11.03.2023 allegations were made by the informant, one, Nazmul Hussain Barbhuiya against five (5) persons, of which the present petitioner is also named in the FIR of having caused assault and causing injury to the brother of the informant, because of which the injured person had to be admitted to Silchar Medical College and Hospital, Silchar and is undergoing treatment. There is a further allegations that the accused persons have set fire to the sub-centre, where the mother of the informant is working as a ASHA worker and causing damage to the documents and furniture as well as the various other articles kept in the said centre.

(4) The said FIR was received and registered as Sonai P.S. Case No. 37/2023 corresponding to G.R. Case No. 888/2023 under Section 147/326/379/436 of IPC.

(5) The learned counsel for the petitioner submits that he is no way connected with the allegations made in the FIR. The dispute between the petitioner and the informant arose because of a land dispute as they share a common ancestor. It is submitted by the learned counsel for the petitioner that petitioner not having been connected to the allegations made

in the FIR, he should be grant the benefit of anticipatory bail.

(6) This Court is directed the Case Diary along with injury report to be produced and accordingly, the Case Diary and injury report has been produced before this Court today as the same was also called for in connection with Bail Application./1312/2023, which arose out of the same FIR.

(7) Upon due perusal of the Case Dairy along with Injury Report, this Court is of the view that the prayer for interim bail can be granted to the petitioner. Accordingly, in the event of his arrest in connection with the aforesaid case, the petitioner shall be released furnishing a bail bond of Rs.25,000/- (Rupees twenty five thousand) only with a local surety of like amount. The interim bail granted however, is subjected to the following conditions:-

1. That the petitioner shall appear before the Investigating Officer within 10(ten) days and co-operate in the investigation as and when required;
2. The petitioner shall not leave the territorial jurisdiction of the police station, without prior written permission from Officer-in-Charge, Sonai Police Station.
3. That the petitioner shall not hamper or tamper with the investigation in any manner; and
4. That the petitioner shall not, directly or

indirectly, make any inducement, threat or promise to any person/witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer in connection to this Police Station Case.

- (8) If any of the conditions are found to be violated then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the petitioner.
- (9) Anticipatory bail petition is accordingly allowed and disposed of.
- (10) Returned the Case Diary along with Injury Report.

JUDGE

Comparing Assistant