

GAHC010128022023



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

Case No. : Bail Appln./2090/2023

MD. RABIYAL ALI @ ROBIYAL ALI
S/O ISMAIL ALI @ ISMAIL SHEIKH
R/O VILL- NALIABAZAR, DIMAKHURI PT.I
NEAR THE HOUSE OF ABDUL MANNAN
(MUKHIYA OF DIMAKHURI PT.I)
P.S. GOLAKGANJ
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

21-06-2023

Heard Mr. B. Choudhury, learned counsel for the petitioner and Mr. Bhaskar Sharma, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC, the petitioner, namely, **Md. Rabiya Ali @**

Robiyal Ali is seeking bail in Jalukbari P.S. Case No.229/2023 registered under Sections 302/34 IPC corresponding to G.R. No. 2688/2023, wherein he was arrested on 18.04.2023 and since then, he is in custody.

As per the FIR of the case, lodged on 17.04.2023 by the informant stating that on the previous night i.e., on 16.04.2023, his son Rohit Kumar Gami, along with his few friends, went to Maligaon Railway Stadium to enjoy Bihu programme at night and while returning home, while he proceeded to take his motorcycle from the parking lot, some of the miscreants attacked him and injured him by stabbing him with sharp weapon and though he was admitted by his friends and police in Gauhati Medical College and Hospital, he was declared dead by the Doctors. Accordingly, Jalukbari P.S. Case No.229/2023 under Sections 302/34 IPC was registered.

With regard to the same incident, another boy namely, Simanta Talukdar was injured by stabbed injuries and with regard to that, the father of said Simanta Talukdar on 17.04.2023 lodged an FIR before the Jalukbari Police Station stating that in the same incident one person died and his son sustained grievous injuries and was admitted in Gauhati Medical College and Hospital for treatment in serious condition.

Said FIR of the case was registered as Jalukbari P.S. Case No.229/2023 under Sections 302/34 IPC.

Perused the case diary and the statements of the witnesses, so far recorded by the concerned Investigating Officer of the case.

Five eye witnesses to the incident in their statements recorded under Section 164 CrPC indicated the petitioner, who stabbed the deceased Rohit Kumar Gami and Simanta Talukdar, in which said Rohit Kumar Gami succumbed to the injuries sustained by him in such stabbing by the petitioner.

Case diary reveals that there are other accused persons along with whom the petitioner brutally attacked the deceased Rohit Kumar Gami and Simanta Talukdar.

Finding sufficient incriminating materials in the case diary against the petitioner regarding his involvement in the alleged crime, the Court is of the view that it is not a fit case to grant bail to the petitioner, namely, **Md. Rabiya Ali @ Robiyal Ali** in said Jalukbari P.S.

Case No.229/2023.

Accordingly, this bail application of the petitioner, namely, **Md. Rabiya Ali @ Robiya Ali** in said Jalukbari P.S. Case No.229/2023 stands rejected.

Return the case diary herewith.

JUDGE

Comparing Assistant