

GAHC010253552022



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

**Case No. : AB/3666/2022**

YAKUB ALI AND 9 ORS  
S/O SABDUL SHEIKH  
R/O GARIA KAWAIMARI  
P.S. JURIA  
DIST. NAGAON, ASSAM

2: JAKIR HUSSAIN  
S/O YAKUB ALI  
R/O GARIA KAWAIMARI  
P.S. JURIA  
DIST. NAGAON  
ASSAM

3: SAJAHAN BASA @ SAJAHAN ALI  
S/O YAKUB ALI  
R/O GARIA KAWAIMARI  
P.S. JURIA  
DIST. NAGAON  
ASSAM

4: KHALIL UDDIN @ KHALILUR  
S/O RUSTAM ALI  
R/O GARIA KAWAIMARI  
P.S. JURIA  
DIST. NAGAON  
ASSAM

5: SARAFAT ALI  
S/O SABDUL SHEIKH  
R/O GARIA KAWAIMARI  
P.S. JURIA  
DIST. NAGAON  
ASSAM

6: BABAR ALI  
S/O ABDUL SHEIKH  
R/O GARIA KAWAIMARI  
P.S. JURIA  
DIST. NAGAON  
ASSAM

7: ISAB ALI  
S/O SABDUL SHEIKH  
R/O GARIA KAWAIMARI  
P.S. JURIA  
DIST. NAGAON  
ASSAM

8: NURUL AMIN  
S/O SARAFAT ALI  
R/O GARIA KAWAIMARI  
P.S. JURIA  
DIST. NAGAON  
ASSAM

9: SAHAR ALI  
S/O RUSMAT ALI  
R/O GARIA KAWAIMARI  
P.S. JURIA  
DIST. NAGAON  
ASSAM

10: MUZZAMEL HOQUE @ MUZZAMEL ISLAM  
S/O SAHAR ALI  
R/O GARIA KAWAIMARI  
P.S. JURIA  
DIST. NAGAON  
ASSA

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner** : MR S M ABDULLAH P

**Advocate for the Respondent** : PP, ASSAM

**BEFORE  
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**Date : 16.02.2023**

Heard Mr. SM Abdullah P, learned counsel for the petitioners namely 1.Yakub Ali, 2.Jakir Hussain, 3.Sajahan Basa @ Sajahan Ali, 4.Khalil Usddin @ Khalilur Rahman, 5.Sarafat Ali, 6. Babar Ali, 7.Isab Ali, 8.Nurul Amin, 9. Sahar Ali and 10.Muzzmel Hoque @ Muzzamel Islam. Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor for the State respondent.

The learned counsel for the petitioners submitted that the he does not press pre-arrest bail on behalf of the petitioner No. 10 namely Muzzmel Hoque @ Muzzamel Islam, who has already been arrested in connection with the present case.

By filing this anticipatory bail application under Section 438 Cr.P.C., all the petitioners named above except petitioner No. 10 namely Muzzmel Hoque @ Muzzamel Islam have prayed for pre-arrest bail who are apprehending arrest in connection with Juria P.S. Case No. 382/2022 registered under Sections 143/ 447/ 448/ 427/ 354/ 325/ 326/ 307 IPC.

I have considered the submissions at the Bar.

The FIR discloses that there was a land dispute between both the parties. It is submitted at the Bar that there was a group clash between the parties and both the parties have sustained simple injuries. The Injury report of Amina Khatun, Rejia Khatun, Samiron Nessa, Minara Khatun, Hussain Ali, Raful Amin, Umar Faruk, Kasem Ali, Wahida Khadun depicts that they have sustained simple injuries. An FIR was also lodged against the informant's side by Rekib Uddin.

To consider the prayer for pre-arrest bail, case diary is necessary.

Call for the case diary.

Considering the fact that the victims have sustained simple injuries and considering the submission that a group clash erupted between both the parties, in the event of arrest of the petitioner Nos. 1 to 9 named above in connection with the aforementioned case, they be released on pre-arrest bail on furnishing a bond of Rs. 30,000/- each with a suitable surety of like amount to the satisfaction of the arresting authority with the following conditions:-

1. petitioner Nos. 1 to 9 shall appear before the I.O. within 10 (ten) from today and shall co-operate with the investigation,
2. The petitioner Nos. 1 to 9 shall refrain from such activities with which they are suspected,
3. the petitioner Nos. 1 to 9 will not exercise threats to any person acquainted with the facts of the case, and
4. the petitioner Nos. 1 to 9 shall not hamper or tamper with the evidence of the case.

The bail application stands disposed of.

Return the case diary.

**JUDGE**

**Comparing Assistant**