

GAHC010033342024



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

**Case No. : Bail Appln./481/2024**

ATIKUR RAHMAN @DADUL  
S/O PIYAR ALI  
R/O SATGAON PALLITOL, (NEAR SAIBABA MANDIR) H/NO. 58  
P.S. DISPUR  
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. K K HANDIQUE**

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

**BEFORE**  
**HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

**ORDER**

**12.03.2024**

Heard Mr. K.K. Handique, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. P.P, Assam.

This is an application under Section 439 of the Cr.PC, 1973 praying for

granting regular bail to the petitioner, i.e., Atikur Rahman @ Dadul, who was arrested on 11.02.2024 in connection with Dispur P.S. Case No. 42/2024 registered under Sections 120(B)/420/468/471/409 of IPC.

The case of the prosecution is that the petitioner begs to state that the informant Sabir Shah, S/o Kaiser Shah, R/o Ward No. 3, Santipur, Golaghat, P.S. Golaghat, Dist. Golaghat lodged an ejahar before the Officer-in-charge of Dispur Police Station on 11/01/2024 alleging inter-alia that his wife purchased a plot of land measuring 1 Katha 10 Lechas covered by Dag No. 130, PP No. 78 of village Dwarandha, under Mouza- Beltola, Dist. Kamrup(M), Assam near Rahman Hospital at VIP Road, Six mile from Sri Prasanta Kr. Baruah vide Sale Deed No. 4277/2000 dated 21/06/2000 after obtaining permission from the concerned authority. The said plot of land was mutated in the name of his wife and issued Kaccha Patta covered by Dag No. 78/361 PP No. 130/970 and a certificate was issued from the settlement officer Guwahati vide letter No. 50 GR/2000/5956 dated 12/07/2000. The complainant and his wife possessed the said plot of land peacefully till 30/01/2021 since from the year 2000 and various development works had been carried out including construction of boundary by pucca wall and earth filling.

It is further alleged that at the time of settlement operation at Dispur Circle the original Patta No. 78 was divided into two Pattas being PP No. 758 and 759 with various Dag Nos. On verification of sitha, it has been noticed that the name of the informant's wife is reflected in Dag No. 1370 instead of 1372. Then he approached the then Circle Officer of Dispur Revenue Circle for correction as well as upgradation of record vide an application being Misc Case No. 320/2019 which is pending for disposal. Out of the total 1 Katha 10

Lessa covered by PP No. 78, Dag No. 130 sold a plot of land 06 Lessa to one Anju Begum Laskar by Sale Deed No. 7393/2000 dated 31/10/2000 which has been mutated in her name (for road purpose).

It is further alleged that on 29/01/2021, the informant received an information that some person entered into his land and is trying to grab the land by accumulating bamboo and tarza bera. He then immediately proceeded to Guwahati and on the next day i.e. on 30/01/2021 lodged an ejahar at Dispur Police Station vide Dispur P.S. C/No. 35/2021. He then informed the matter with a written petition dated 01/02/2021 to Circle Officer, Dispur Revenue Circle stating inter-alia that Smt Purnima Bongajng and their person might approach the office of the Circle Office with a prayer to upgradation of their names in Jamabandi pertaining to the said plot of land by producing fake/suspicious documents and there is a need of hearing from both the parties to do any upgradation. But surprisingly, the then Circle Officer incorporated the name of Purnima Bongjang in the Jamabandi dated 02/03/2021 without hearing from the informant. In this regard, the complainant filed an FIR at Dispur P.S. against the then Circle Officer vide Dispur P.s. Case No. 382/2021. Thereafter the informant visited the office of the Sub-registrar, Kamrup(M) and obtained the copy of the Sale Deed of Purnima Bongjang being Deed No. 6489/1976 dated 17/11/1976 and he filed an FIR in this regard at Dispur Police Station vide Dispur P.S. Case No. 584/2021.

Upon receipt of the said ejahar, the officer-in-charge of Dispur Police Station registered a case vide Dispur P.S. Case No. 42/2024 u/s 120(B)/ 420/ 468/ 471/ 409 of Indian Penal Code, 1860.

Mr. K.K. Handique, learned counsel for the petitioner submits that the petitioner is totally innocent and he has not committed any offence alleged and is no way involved in the alleged offence and he is not an FIR named person. He further submits that the petitioner has been languishing in jail for the last 30 days.

Mr. D. Das, learned Addl. P.P on the other hand strongly opposes the prayer for bail.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears from the materials available on record that the petitioner was last interrogated on 12.02.2024. It further appears that the investigation has substantially progressed.

Considering the length of detention, this Court is of the considered view that further detention of the petitioner is not justified. Accordingly, the petitioner named above is allowed to go on bail in connection with the above noted case with a bail bond of Rs. 50,000/- with one surety of like amount to the satisfaction of the learned CJM, Kamrup, subject to the following conditions:-

- (i) That the petitioner shall co-operate with the investigation.
- (ii) That the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer; and

- (iii) That the petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

With the above observation and direction, the Bail Application stands disposed of.

**JUDGE**

**Comparing Assistant**