

GAHC010080072024



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

Case No. : AB/1039/2024

ROHIDUL ISLAM
S/O SAMED AL
R/O BARMANIKPUR, SORU MANIKPUR, P.S. PATACHARKUCHI,
DIST. BAJALI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 06-05-2024

- 1.** Heard Mr. S. Munir, learned counsel for the petitioner and also heard Mr. B. Sharma, the learned Addl. PP appearing on behalf of the State respondent.
- 2.** This is an application under Section 438 of the Code of Criminal Procedure,

1973, praying for grant of pre-arrest bail to the accused/petitioner, namely, Rohidul Islam who is apprehending arrest in connection with Patacharkuchi P.S. Case No. 46/2024 registered under Sections 326/307 of the Indian Penal Code.

3. It is submitted by Mr. Munir that the present accused-petitioner is not involved in the alleged offence and he is falsely implicated in this case. However, he is ready to co-operate with the IO for further investigation of the case if he is granted the privilege of pre-arrest bail.

4. In this context Mr. Sharma, the learned Addl. PP has submitted that there are sufficient incriminating materials in the Case Diary. More so, the victim was hit on the head with a hammer with an attempt to kill him and thus he has submitted that considering the materials available in the Case Diary it is not a fit case to grant the privilege of pre-arrest bail.

5. Mr. Munir has submitted that the hammer cannot be considered as a sharp weapon to attract the 376 IPC.

6. Considering the learned counsels for the petitioner and considering the materials in Case Diary specially the injury sustained by the victim on the vital part of the body, and other aspect of the case, I find that the case may not attract the Section 326 IPC directly but there are sufficient materials to attract Section 307 IPC as per the materials available in the Case Diary.

In view of the above, I don't find it is a fit case to extend the privilege of bail at this stage.

Petition stands rejected.

The Case Diary be sent back.

JUDGE

Comparing Assistant