

GAHC010085882024



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

Case No. : AB/1123/2024

SAMINUR RAHMAN AND 2 ORS.
S/O LATE MONSER ALI
R/O VILL- KISMAT HASDAHA PART-II
P.S. DHUBRI
DIST. DHUBRI, ASSAM

2: AMINUR RAHMAN
S/O LATE MONSER ALI
R/O VILL- KISMAT HASDAHA PART-II
P.S. DHUBRI

DIST. DHUBRI
ASSAM

3: AKINUR RAHMAN @ AKINUR HOQUE
S/O LATE MONSER ALI
R/O VILL- KISMAT HASDAHA PART-II
P.S. DHUBRI
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S ISLAM

Advocate for the Respondent : PP, ASSAM

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

ORDER

Date : 20-05-2024

- 1.** Heard Mr. S. Islam, learned counsel for the petitioners.
- 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/petitioners, namely, [1] Saminur Rahman [2] Aminur Rahman and [3] Akinur Rahman @ Akinur Hoque who are apprehending arrest in connection with Dhubri P.S. Case No. 63/2024, under Sections 147/148/341/326/307 of the Indian Penal Code.
- 3.** The allegation against the petitioners is that there was an altercation on 26.02.2024 at about 1 PM in respect of boundary. A scuffle resulted after the altercation but nobody sustained injuries. Again on 27.02.2022 at about 9:20 PM when Moinul Hoque was proceeding towards the Kalahat bazaar, the petitioners obstructed him and assaulted him causing grievous injuries.
- 4.** Heard Mr. R.R. Kaushik, learned Addl. PP, Assam who has submitted that there are incriminating materials against the petitioners and the victim has sustained grievous injury on his forearm.
- 5.** On the contrary it is submitted on behalf of the petitioners that during the incident on the previous day i.e. on 26.02.2024, the petitioner's mother sustained injuries and Annexure-2 is the Medical Report of the petitioner's mother Ms. Amina Bibi. To screen themselves from punishment, the informant has lodged this false case against the petitioners.
- 6.** I have considered the submissions at the Bar with circumspection. I have also scrutinised the Case Diary. Investigation has progressed to a considerable

extent. It appears that custodial interrogation of the petitioners may not be required. The petitioners are local residents and they are not flight risks. They are willing to co-operate with the investigation.

7. Considering all aspects, petition is allowed. In the event of their arrest, the petitioners shall be enlarged on bail of Rs. 50,000/- each with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:-

- i. The petitioners shall refrain from such activities with which they are alleged; and
- ii. the petitioners shall not exercise threats to the witnesses.

On breach of any of the bail conditions, bail order shall stand cancelled.

Send back the Case Diary.

JUDGE

Comparing Assistant