

GAHC010086632024



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

Case No. : AB/1161/2024

SELIM UDDIN BARBHUIYA AND 5 ORS.
S/O FAKAR UDDIN BARBHUIYA,
VILL.- MAJHIRGRAM, P.O.- SONAIMUKH, P.S.- SONAI, DIST.- CACHAR,
ASSAM.

2: CHUTAN BARBHUIYA @ ABDUL SAHID BARBHUIYA
S/O SELIM UDDIN BARBHUIYA

VILL.- MAJHIRGRAM
P.O.- SONAIMUKH
P.S.- SONAI
DIST.- CACHAR
ASSAM.

3: CHANDAN BARBHUIYA @ KHAIDUL ISLAM BARBHUIYA
S/O SELIM UDDIN BARBHUIYA

VILL.- MAJHIRGRAM
P.O.- SONAIMUKH
P.S.- SONAI
DIST.- CACHAR
ASSAM.

4: DULON BARBHUIYA @ AFJAL MAJID BARBHUIYA
S/O SELIM UDDIN BARBHUIYA

VILL.- MAJHIRGRAM
P.O.- SONAIMUKH
P.S.- SONAI
DIST.- CACHAR
ASSAM.

5: HIRON BARBHUIYA @ MOJIDUL ISLAM BARBHUIYA
S/O SELIM UDDIN BARBHUIYA

VILL.- MAJHIRGRAM
P.O.- SONAIMUKH
P.S.- SONAI
DIST.- CACHAR
ASSAM.

6: IADUL HUSSAIN BARBHUIYA @ YADUL
S/O AJIJUR RAHMAN BARBHUIYA

VILL.- MAJHIRGRAM
P.O.- SONAIMUKH
P.S.- SONAI
DIST.- CACHAR
ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. N H BARBHUIYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 20-05-2024

- 1.** Heard Mr. N.H. Barbhuiya, 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] Selim Uddin Barbhuiya [2] Chutan Barbhuiya @ Abdul Sahid Barbhuiya [3] Chandan Barbhuiya @ Khaidul Islam Barbhuiya [4] Dulon Barbhuiya @ Afjal Majid Barbhuiya [5] Hiron Barbhuiya @ Mojidul Islam Barbhuiya and Iadul

Hussain Barbhuiya @ Yadul who are apprehending arrest in connection with Sonai P.S. Case No. 17/2024, under Sections 341/326/34 of the Indian Penal Code corresponding to G.R. Case No. 374/2024.

3. The allegation against the petitioners is that the injured victim Jubair Ahmed Laskar was carrying soil in his tripper truck from the land of Abdul Hussain Laskar on 13.02.2024 at about 12 O' Clock midnight. At that time the petitioners obstructed the victim. The victim then informed the petitioners that the land owner Abdul Hussain Laskar engaged him for carrying soil out of his land, but the petitioners did not accept the victim's version and attacked the victim with dao, iron rod, causing grievous injuries on the victim's neck with dao and dragger.

4. Heard Mr. R.R. Kaushik, learned Addl. PP, Assam.

5. It is submitted by the learned Addl. PP that there are incriminating materials against the petitioners in the Case Diary.

6. I have scrutinised the Case Diary. The allegation against the petitioners is of serious nature. The Medical Report also reveals that the victim sustained grievous injury caused by sharp weapon on his neck. Considering the gravity of the offence, there appears to be no justified ground to extent the privilege of anticipatory bail to the petitioners at this stage.

Petition is hereby rejected.

Send back the Case Diary.

JUDGE

Comparing Assistant