

GAHC010075932024



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

Case No. : AB/1135/2024

MAJIBUR RAHMAN AND 6 ORS.
S/O ABU TAHER ALI
R/O VILL- ALLOMGANJ PART-7

P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN-783339

2: AJIBAR RAHMAN
S/O ABU TAHER ALI
R/O VILL- ALLOMGANJ PART-7

P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN-783339

3: MAYEZUDDIN SEIKH
S/O ABU TAHER ALI
R/O VILL- ALLOMGANJ PART-7

P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN-783339

4: ABU SHAMA ALI
S/O ABU TAHER ALI
R/O VILL- ALLOMGANJ PART-7

P.S. GAURIPUR
DIST. DHUBRI

ASSAM
PIN-783339

5: MITHUN ALI
S/O ABU TAHER ALI
R/O VILL- ALLOMGANJ PART-7

P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN-783339

6: JALIL ALI
S/O ABU TAHER ALI
R/O VILL- ALLOMGANJ PART-7

P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN-783339

7: MALEKA BIBI
WO ABU TAHER ALI
R/O VILL- ALLOMGANJ PART-7

P.S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN-783339
VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. J KALITA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

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

ORDER

Date : 21.05.2024

Heard Mr. J. Kalita, learned counsel for the petitioners namely 1. Majibur Rahman, 2. Ajibar Rahman, 3. Mayezuddin Seikh, 4. Abushama Ali, 5. Mithun Ali, 6. Jalil Ali and 7. Maleka Bibi.

2. The petitioners have filed this application under Section 438 of the Code of Criminal Procedure, 1973 with prayer for pre-arrest bail as they are apprehending arrest in connection with Gauripur Police Station Case No. 71/2024 under Sections 120(B)/447/147/148/323/325/354/506/307 of the Indian Penal Code, 1860

3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. The FIR unfolds that on 07.02.2024 Sabiya Khatun went to the petitioners' house to confront about the incident which occurred on 06.02.2024. In retaliation, the petitioners armed with iron rod, lathis, dao etc. barged into the compound of the informant and verbally abused the informant and his family members. The petitioner Maleka Bibi used a bucket to assault the informant. Meanwhile the informant's sons Soyan Ali, Matiur Rahman and the informant's wife Jonbi Bibi along with his sister Mehera Bibi tried to resist the assault. The petitioners assaulted them and tried to commit murder on Soyan Ali, who sustained severe head injuries and a fracture on his hand. The other family members also sustained injuries and the neighbours came to their rescue.

5. It is submitted at the bar that there is a cross case between both the

parties. It was a group clash and both the parties sustained injuries.

6. I have scrutinized the Case Diary.

7. The injuries sustained by the victims are simple injuries and two victims sustained grievous injuries caused by blunt object. The victims Moyor Ali sustained simple injury caused by blunt object, Motior Rahman sustained grievous injury caused by blunt object, Tonbi Bibi sustained grievous injury caused by blunt object, Majom Ali and Mehera Bibi sustained simple injury caused by blunt object.

8. The petitioners are on interim bail. They have appeared before the Investigating Officer and have cooperated with the investigation. The petitioners are willing to cooperate with the investigation. Further the petitioners are local residents and they are not flight risks.

9. In view of the foregoing discussions, the interim order dated 03.05.2024 is hereby made absolute.

10. Anticipatory Bail application stands disposed of in the above terms.

11. Send back the Case Diary.

JUDGE

Comparing Assistant