

GAHC010090422024



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

Case No. : AB/1181/2024

MASHIDUL ISLAM AND 7 ORS
S/O HANIF ALI MANDAL
R/O VILL- BHETMARI TUP,
P.O. CHUKRUNGBARI, P.S. SORBHOG
DIST. BARPETA, ASSAM
PIN-781315

2: MAYNUL HOQUE
S/O HANIF ALI MANDAL
R/O VILL- BHETMARI TUP

P.O. CHUKRUNGBARI
P.S. SORBHOG
DIST. BARPETA
ASSAM
PIN-781315

3: AMINUL ISLAM @ AMINUL MANDAL
S/O HANIF ALI MANDAL
R/O VILL- BHETMARI TUP

P.O. CHUKRUNGBARI
P.S. SORBHOG
DIST. BARPETA
ASSAM
PIN-781315

4: EYASIN ALI @ EYASIN MANDAL
SON OF HAJARAT ALI
R/O VILL- BHETMARI TUP

P.O. CHUKRUNGBARI
P.S. SORBHOG
DIST. BARPETA

ASSAM
PIN-781315

5: ABDUL LATIF
S/O LATE OSMAN ALI
R/O VILL- BOGORIGURI GAON
P.O. CHUKRUNGBARI
P.S. SORBHOG
DIST. BARPETA
ASSAM
PIN-781315

6: MIJANUR RAHMAN
S/O MD. RAMJAN ALI
R/O VILL- BOGORIGURI GAON
P.O. CHUKRUNGBARI
P.S. SORBHOG
DIST. BARPETA
ASSAM
PIN-781315

7: MOINUL HOQUE
S/O AZIZUR HOQUE
R/O VILL- BOGORIGURI GAON
P.O. CHUKRUNGBARI
P.S. SORBHOG
DIST. BARPETA
ASSAM
PIN-781315

8: AMINUL ISLAM
S/O AZIZUR HOQUE
R/O VILL- BOGORIGURI GAON
P.O. CHUKRUNGBARI
P.S. SORBHOG
DIST. BARPETA
ASSAM
PIN-78131

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. J A AHMED

Advocate for the Respondent : PP, ASSAM

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

ORDER

Date : 22-05-2024

- 1.** Heard learned counsel Mr. S. Ahmed 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] Mashidul Islam [2] Maynul Hoque [3] Aminul Islam @ Aminul Mandal [4] Eyasin Ali @ Eyasin Mandal [6] Mijanur Rahman [7] Moinul Hoque and [8] Aminul Islam who are apprehending arrest in connection with Sorbhog P.S. Case No. 51/2024, under Sections 147/341/323/325/326 of the Indian Penal Code corresponding to G.R. Case No. 462/2024.
- 3.** It is submitted by the learned counsel for the petitioners that the petitioner No. 5 Abdul Latif has already been arrested and enlarged on bail so he has not pressed for bail of petitioner No. 5.
- 4.** Heard Mr. D. Das, learned Addl. PP, Assam, who has raised serious objection against the anticipatory bail of the petitioners. It is submitted that there are incriminating materials against the petitioners and the Injury Report clearly reveals that Al Farid Ahmed sustained several injuries starting from his head upto his leg. Two head injuries were detected on examination. The injuries are however simple in nature caused by blunt objects. The other injured person Ahmasud Ahmed sustained grievous injuries on his right hand and an x-ray has been suggested for his lumbar region. Al Farid Ahmed has also sustained several

injuries on his head and Anwara Khatun has sustained injuries on her person. It is submitted by the learned Addl. PP that the petitioners are not entitled to bail.

5. The FIR unfolds that on 12.04.2024 at about 5 PM the petitioners assaulted Al Farid with a sharp weapon. When the informant along with his family members tried to resist they were also assaulted in the process.

6. I have scrutinised the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioners. One injured person has sustained grievous injuries and the other injured person has sustained two head injuries. At this juncture there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioners.

Petition stands rejected at this stage.

Send back the Case Diary.

JUDGE

Comparing Assistant