

GAHC010104202024



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

**Case No. : Bail Appln./1510/2024**

SAMSUL HAQUE  
S/O LATE BISHA SEIKH  
VILL- BARTARI  
P.S. KALGACHIA  
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM  
REP BY THE PP, ASSAM

**Advocate for the Petitioner : MS. T SOM**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**  
**ORDER**

**07.06.2024**

Heard Ms T Som, learned counsel for the petitioner, Samsul Haque.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973, with prayer for bail, as he is behind bars since 29.04.2024, in connection with Kalgachia PS Case No. 47/2024, under Sections 302/201/34 IPC.

3. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.
4. The prime accused, Samsul Sheikh, i.e., the petitioner informed the neighbours that the body of his deceased father, Bisha Sheikh was to be buried after following the customary rituals. At about 10:00 am, Ismail Hussain, who was observing the rituals noticed marks of stab wounds on the neck and throat of the deceased. Meanwhile, the petitioner Samsul and his wife along with his children had already fled. The present FIR was registered and investigation commenced.
5. The learned Additional Public Prosecutor has raised objection stating that there are incriminating materials in the Case Diary against the petitioner.
6. I have also scrutinized the Case Diary.
7. The Inquest Report reveals one deep cut injury on the throat of the deceased.
8. Indeed, there are incriminating materials in the Case Diary, against the petitioner.
9. At this juncture, there appears to be no justified ground to enlarge the petitioner on bail.
10. Hence, petition is rejected.
11. Send back the Case Diary.

**JUDGE**

**Comparing Assistant**