

GAHC010116172024



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

Case No. : AB/1515/2024

ABDUL BAREK @ ABDU BARIK AND 2 ORS.
S/O LATE KOROB ALI @ KOROP ALI SHEIKH, R/O HARDEMARA, P.S.-
CHAPAR, DIST- DHUBRI, ASSAM, PIN-783371

2: SADDAM HUSSAIN
S/O SRI ABDUL BAREK @ ABDUL BARIK
R/O HARDEMARA
P.S.-CHAPAR
DIST- DHUBRI
ASSAM
PIN-783371

3: TAJM HOOVE @ TAJNUR HUSSAIN @ TAZNUR HOQUE
S/O SRI ABDUL BAREK @ ABDUL BARIK
R/O HARDEMARA
P.S.-CHAPAR
DIST- DHUBRI
ASSAM
PIN-78337

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A A R KARIM, MS G.PURI, Ms. R. R. BORAH, MR S
RAHMAN, MR. A DEB

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 20.08.2024

Heard Mr. A. A. R. Karim, learned counsel for the petitioners. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973 praying for granting pre-arrest bail in respect of Chapar Case No.78/2024.

3. On 20.05.2024, the petitioners along with some other persons attacked the informant and his associates. The petitioners and his associates allegedly used Iron rods, sharp weapons, etc. They allegedly caused injuries to the informant and his associate.

4. It may be stated that on the same incident, the petitioners also filed an FIR against the informant of the said case. That was registered under Sections 326/325/354 of the Indian Penal Code.

5. Today after perusal of the Case Diary, it is found that all the three petitioners had taken part in the aforesaid incident.

6. It may be stated that in the said incident, the petitioner Abdul Barek @ Abdul Barik also sustained injuries for which he had to be admitted in hospital. Medical documents are also filed in this petition.

7. Considering the aforesaid facts, this Court is of the opinion that the petitioners Saddam Hussain and Tajnur Hussain do not deserve to be given the privilege of pre-arrest bail.

8. In spite of having some materials against Abdul Barek, this Court is of the opinion that for the aforesaid reasons he does not deserves to be detained in custody.

9. The interim bail granted to Abdul Barek is made absolute.

10. The prayer for anticipatory bail for Saddam Hussain and Tajnur Hussain is rejected.

- 11.** The petitioner Abdul Barek is directed to co-operate with the Police Investigating Officer as and when required.
- 12.** The bail application stands disposed of accordingly.
- 13.** Case Diary shall be returned.

JUDGE

Comparing Assistant