

GAHC010120402024



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

Case No. : Bail Appln./1748/2024

FORIZ UDDIN @ FORIJ AHMED AND ANR
S/O ABDUL SUBAN
R/O VILL- DEOPUR, P.O. TILLABAZAR
P.S. KARIMGANJ
DIST. KARIMGANJ, ASSAM

2: SAHAB UDDIN
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTORS, ASSAM

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27.06.2024

Heard Mr. M. Ahmed, learned counsel for the petitioners, (i) Foriz Uddin @ Forij Ahmed (ii) Sahad Uddin.

2. The petitioners have filed this application under Section 439 Cr.P.C., with prayer for bail, as they are behind bar since 04.05.2024 & 05.05.2024, in connection with Karimganj P.S. Case No. 262/2024, registered under Sections 120(B)/448/323/325/326/341/354/307 of the Indian Penal Code, 1860.

3. Heard Mr. B. Sarma, learned Additional Public Prosecutor for the State of Assam.

4. The allegation against the petitioners is that on 24.04.2024 at about 12/12.30 p.m., the petitioners armed with deadly weapons attacked Rachu Bibi, Sanu Begum, Marzina Begum and Sufiana Begum. At that time when Abdul Hannan came out and tried to protect, they attacked him with sharp weapons causing grievous injuries on his head. The petitioners have also attacked Saibor Ali and caused grievous injuries on his person.

5. The learned Additional Public Prosecutor has raised serious objection stating that the victim Abdul Hannan is not in a position to speak and as such, his statement has not yet been recorded. He further submitted that there are incriminating materials against the petitioners in the case diary. There are indeed incriminating materials against the petitioners in the case diary. The injury sustained by the victims are grievous in nature.

6. I have considered the submissions at the Bar with circumspection. I have also scrutinized the case diary and the injury reports.

7. The petitioners are booked under a serious offence and they are not entitled to bail at this stage. The victims have sustained grievous injuries caused by blunt weapon as well as sharp weapon. They have sustained injuries on their

head.

8. In view of my foregoing discussions, it is thereby held that there appears no justified ground to extend the privilege of bail to the present petitioners. The victims Abdul Hannan and Saibor Ali have sustained grievous injuries on their heads. Accordingly, the petition for bail is rejected at this stage.

9. The bail application stands disposed of.

10. Send back the case diary.

JUDGE

Comparing Assistant