

GAHC010127902024



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

Case No. : Bail Appln./1893/2024

ALTA MAZARBHUIYA @ ALTAF HUSSAIN MAZARBHUIYA AND 3 ORS.
S/O NAMOR ALI MAZARBHUIYA
VILL- CHEPTI BORJAPUR,P.O. RANGAUTI, P.S. AND DIST. HAILAKANDI,
ASSAM

2: ABDUL SOHID LASKAR @ BAPPON
S/O LT. ALI RAJA LASKAR
VILL- CHEPTI BORJAPUR
P.O. RANGAUTI
P.S. AND DIST. HAILAKANDI
ASSAM

3: SHIBLAHMED MAZARBHUIYA @ SIBUL AHMED MAZARBHUIYA
S/O LT. SAYOR ALI
MAZARBHUIYA
VILL- CHEPTI BORJAPUR
P.O. RANGAUTI
P.S. AND DIST. HAILAKANDI
ASSAM

4: MASUM UDDIN CHOUDHURY
S/O LT. JOMIR UDDIN CHOUDHURY @ JOMIL UDDIN CHOUDHURY
VILL- NARAINPUR PART-II
P.S. AND DIST. HAILAKANDI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : PP, ASSAM

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

ORDER

28.06.2024

1. Heard learned counsel Mr. A. M. Barbhuiya for the petitioners, namely (i) Alta Mazarbhuiya, (ii) Abdul Sohid Laskar, (iii) Shiblihmed Mazarbhuiya, and (iv) Masum Uddin Choudhury.
2. This application has been filed by the petitioners under Section 439 of the Cr.PC with prayer for bail as they are behind bars since 14.05.2024 in connection with Hailakandi P.S. Case No. 39/2024 under Section 395 of the IPC, corresponding to GR Case No. 135/2024.
3. Heard Mr. D. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.
4. Learned Additional Public Prosecutor has raised serious objections against prayer for bail without perusal of the Case Diary stating that this is a serious offence and is under trial by the Sessions Court.
5. The allegation against the petitioners is that on 09.02.2024 at about 4'o clock, the petitioners assaulted the informant and his family members causing grave injuries. The petitioners were armed with chopper, stick, rod and sharp deadly weapons. The petitioners also snatched away Rs. 1 lac from the informant.
6. I have considered the submissions at the Bar with circumspection.

7. It is submitted at the Bar that the FIR prima facie reveals that there are incriminating materials against the petitioners.

8. I have also considered the submissions that the petitioners have been behind bars for 44 days.

9. It is also submitted that investigation has presumably progressed to a certain extent. The petitioners have pledged to co-operate with the remaining part of the investigation and abide by any stringent bail conditions and to maintain peace.

10. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioners are enlarged on bail of Rs 50,000/- each, with suitable surety of like amount to the satisfaction of the learned CJM, Hailakandi, under the conditions that

- (i) the petitioner shall refrain from such activities with which they are alleged and maintain peace,
- (ii) the petitioners shall not exercise threats to the witnesses and try to influence them, and
- (iii) the petitioners shall not leave the jurisdiction of the Court without prior permission.

On breach of any of the bail conditions, bail order shall stand cancelled.

JUDGE

Comparing Assistant