

GAHC010130822024



2024:GAU-AS:8038

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

Case No. : AB/1683/2024

JAKIR HUSSAIN BARBHUYAIN
S/O SAMAR UDDIN BARBHUYAIN, R/O VILL- CHATRAIDAYAL, P.S.-
JOYPUR, DIST- CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : J DASGUPTA, MR T KALITA,A KALITA,MD IMRAN

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

16.08.2024

Heard Mr. T. Kalita, the learned counsel appearing for the petitioner. Also heard Mr. D .Das, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 438 of the CrPC praying for grant of pre-

arrest bail in connection with Joypur P.S. Case No.12/2024, registered under Section 302 of the Indian Penal Code.

3. The present petitioner is the elder brother of a person called Jiabur Rahman Barbhuyain. Both live separately. Jiabur Rahman Barbhuyain often had quarrel with his wife Fatima Begum. On the day of occurrence, Farida Begum was admitted to Silchar Medical College & Hospital after sustaining some injuries. She expired in the Hospital. The news was sent to the father of the deceased who subsequently lodged an FIR before police.

4. Jiabur Rahman Barbhuyain has already been arrested by police. Now, the petitioner apprehends that he might also be arrest by police.

5. I have gone through the case diary.

6. Some witnesses have stated in their statement that the petitioner took the side of his brother and in the quarrel between the deceased and her husband, the petitioner always tried to defend his brother. The witnesses also stated that the petitioner also rebuked the deceased on many occasions.

7. Mr. Das has submitted that it is a case under Section 302 of the Indian Penal Code. Therefore, the privilege of anticipatory bail should not be granted in favour of the petitioner.

8. I have considered the submissions made by Mr. Kalita in the light of the materials available in the case diary.

9. This Court is of the opinion that under the given circumstances of the case, the petitioner does not deserve to be detained in custody. Therefore, his pre-arrest bail application is allowed.

10. It is hereby directed that in the event of arrest in connection with Joypur P.S. Case No.12/2024, registered under Section 302 of the Indian Penal Code, the petitioner namely- Jakir Hussain Barbhuyain shall be released on bail of ₹25,000/- with a surety of like amount to the satisfaction of the arresting authority. He is directed to appear before the Investigating Police Officer within next 10(ten) days from today.

With the aforesaid direction, the application for bail is disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant