

GAHC010137602024



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

Case No. : AB/1776/2024

SAHIDUR SHEIKH AND ANR.
S/O KHALIL SHEIKH,
VILL.- BASHANI CHAR PART- II, P.S.- DHUBRI, DIST.- DHUBRI, ASSAM.

2: MOHIZUL HOQUE
S/O FOYAZ ALI

VILL.- BASHANI CHAR PART- II
P.S.- DHUBRI
DIST.- DHUBRI
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : MR F HAQUE, MR. S K M ALOMGIR, MR A ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 09-08-2024

09.08.2024

- 1.** Heard Mr. F. Haque, learned counsel for the petitioners. Also heard Mr. B.B. Gogoi, learned Addl. PP, Assam.
- 2.** This application under Section 482 of the BNSS, 2023 has been filed by the petitioners, namely, [1] Sahidur Sheikh and [2] Sri Mohizul Hoque who are apprehending their arrest in connection with Gauripur P.S. Case No. 139/2024 under Sections 419/395/399/412/120(B) of the Indian Penal Code.
- 3.** The gist of accusation in this case is that on 24.05.2024 one Rafique Ali has lodged an FIR that on that day at about 12:50 AM 6 unknown persons carrying arms and wearing police uniforms (one of them in civil dress) came to the residence of the first informant and identified themselves as police and threatened the first informant and thereafter they looted golden ornaments valued about 5 lacs as well as cash of Rs. 10,000/- and some other articles. On the basis of the said FIR the Gauripur P.S. Case No. 139/2024 was registered.
- 4.** Learned counsel for the petitioners has submitted that the petitioners are boat-men and they are not involved in the offence alleged in the FIR. He also submits that the petitioners are ready to co-operate in the investigation.
- 5.** However, learned Addl. PP who has produced a Case Diary of Gauripur P.S. Case No. 139/2024 has submitted that there are materials in the Case Diary indicating that the petitioners assisted the other co-accused persons in conducting dacoity which has been alleged in the FIR.
- 6.** I have considered the submissions made by the learned counsel for both the sides and has perused the Case Diary. Considering the materials available on record against the present petitioners, this Court is of the considered opinion that this is not a fit case for grant of anticipatory bail under Section 482 of the BNSS, 2023 to the present petitioners.

- 7.** The prayer for anticipatory bail is rejected.
- 8.** The petitioners are directed to co-operate with the investigation.

JUDGE

Comparing Assistant