

GAHC010145172024



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

Case No. : AB/1890/2024

HASEN ALI @ ABDUL HASIM AND 3 ORS.
S/O LT. ISAB ALI, R/O VILL- URIAGRANT TUBUKI, P.S.-NAGAON (SADAR),
DIST- NAGAON (ASSAM)

2: LUTFUN NESSA
W/O ABDUL HASIM
R/O VILL- URIAGRANT TUBUKI
P.S.-NAGAON (SADAR)
DIST- NAGAON (ASSAM)

3: KHALIDA BEGUM @ KHALIDA KHATUN
W/O OMAR FARUK
R/O VILL- URIAGRANT TUBUKI
P.S.-NAGAON (SADAR)
DIST- NAGAON (ASSAM)

4: TASLIMA BEGUM @ TASLIMA KHATUN
W/O RASHIDUL HAQUE
R/O VILL- URIAGRANT TUBUKI
P.S.-NAGAON (SADAR)
DIST- NAGAON (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A W AMAN, SAMIM RAHMAN, MR S A BARBHUYAN, MR.
SURAJIT DAS, MS SURAYA RAHMAN, MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

20.08.2024

Heard the learned counsel Mr. S. Nawaz appearing for the petitioners. I have also heard Mr. P.S. Lahkar, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of Nagaon P.S. Case No.504/2024, registered under Sections 448/326/307/34 of the Indian Penal Code.

3. There was a fight between two brothers. Both are in their 50s. The reason is that one duck belonging to the petitioner no.1 Hasen Ali had gone to the house of other brother who had broken one leg of the duck. On that issue, both had a fight. In fact, both the families had a fight. The petitioner Hasen Ali also sustained injuries like his estranged brother Abdul Kasem.

4. I have considered the submissions made by the learned counsel of both sides.

5. It is a fight between two brothers and their families on a very simple issue. They do not deserve to be detained in custody for the aforesaid act. Their pre-arrest bail application is allowed.

6. The interim bail granted to them on 24.07.2024 is made absolute.

The application for bail stands disposed of.

Case diary shall be returned.

JUDGE

Comparing Assistant