

GAHC010139312024



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

Case No. : AB/2002/2024

JOHIRAN BIBI AND ANR
W/O LATE AKABBAR ALI
VILL- DARANGIPARA (RESERVE)
P.O. KANDHBARI P.S. MUKALMUA
DIST. NALBARI
ASSAM
PIN-781126

2: ELIJA KHATUN @ ELIJA BEGUM
D/O LATE AKABBAR ALI
VILL- DARANGIPARA (RESERVE)
P.O. KANDHBARI P.S. MUKALMUA
DIST. NALBARI
ASSAM
PIN-781126
VERSUS

THE STATE OF ASSAM
TO BE REP BY THE PP
ASSAM

Advocate for : MR. A MANNAF
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

10.09.2024

1. Heard Mr. A. Mannaf, learned counsel for the petitioners. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State of Assam.
2. The petitioners, namely, (1) **Johiran Bibi and (2) Elija Khatun @ Elija Begum**, have approached this Court for the second time praying for grant of pre arrest bail who are apprehending arrest in connection with Mukalmua Police Station Case No. 136/2024 registered under Sections 120(B)/302 of IPC.
3. This Court after perusal of the case diary rejected such prayer of the petitioners for grant of pre arrest bail under its order dated 02.07.2024 passed in AB/1491/2024, after finding that sufficient incriminating materials are available against the petitioners in the case diary.
4. Under its order dated 19.08.2024, this Court had again called for the case dairy. Accordingly, the case diary has been produced by the learned Additional Public Prosecutor today.
5. This Court has once again gone through the case diary. The materials so far collected are suggestive of the fact that both the petitioners actively participated in assaulting the victim and as a result of which victim died.
6. That being the position, the basic argument of the learned counsel for the petitioners that it was not a case of murder but a case of assault do not find favour of this Court. This Court has also considered the stage of investigation, which also suggests that the custodial interrogation of the petitioners may be necessary.
7. Yet another aspect of the matter is that this Court has not found any new grounds, which were not available when the bail was rejected by this Court under its order dated 02.07.2024 passed in AB/1491/2024.
8. That being the position, the prayer of bail for the petitioners stand rejected. However, while parting with the record, it is made clear that the observations

made in this order is for the purpose of consideration of the prayer of bail only and same should not be treated as affirmation of merit of the prosecution case.

9. With the aforesaid determination and observations, this bail application stands dismissed.
10. Case diary be returned back to the learned Additional Public Prosecutor.

JUDGE

Comparing Assistant