

GAHC010148062024



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

Case No. : AB/2012/2024

KHAJEN ALI AND ANR.
S/O ALKAS UDDIN
VILL- GADHOWA CHAPORI
BADAMER CHAR, P.O., P.S. MANGALDAI
DIST. DARRANG, ASSAM

2: SHAHJAHAN ALI
S/O ALKAS UDDIN
VILL- GADHOWA CHAPORI
BADAMER CHAR
P.O.
P.S. MANGALDAI
DIST. DARRANG
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R CHOUDHURY, A S PRODHANI, S. TALUKDAR

Advocate for the Respondent : PP, ASSAM,

Linked Case : AB/1928/2024

JALAL ALI
S/O MAJID ALI
VILL- SINGIMARI KUCHGAON
P.O. KACHARICHAR
P.S. DEKIAJHULI
DIST. SONITPUR

ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR H R CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 16.09.2024

Heard Mr. HR Choudhury, learned counsel appearing for the petitioners as well as Mr. K.K. Parasar, learned Additional Public Prosecutor for the State of Assam.

2. This is a common order for these two bail applications.
3. These applications are filed under Section 482 of the BNSS, 2023, whereby the petitioners have prayed for releasing them on bail in connection with Mangaldoi P.S. Case No. 131/2024.
3. On the day of occurrence, a large group of people had come to the house of the informant. The people were armed with dangerous weapons like dao, dagger etc. There was a big fight between both sides. In that incident one person, namely, Aribuddin lost his life.
4. Mr. Choudhury has submitted that the people, who had come to the house of the informant were members of a gang of dacoits. Mr. Choudhury has pointed out to different newspaper reports available in the record.
5. I have considered the submissions made by the learned counsels of both sides. I have also gone through the case diary.

6. Be that as it may, there are no incriminating materials in the case diary regarding the petitioners, namely, Khajen Ali and Shahjan Ali. Therefore, they need not be arrested in this case. Therefore, their bail application is allowed.

6. It is hereby directed that in the event of arrest in connection with Mangaldoi P.S. Case No. 131/2024, the petitioners, namely, Khajen Ali and Shahjan Ali shall be released on bail of Rs. 25,000/- each with a surety of like amount to the satisfaction of the arresting authority.

7. The petitioners are directed to appear before the Investigating Officer as and when required.

8. So far as the petitioner, Jalal Ali is concerned, there are incriminating materials in the case diary regarding the petitioner, Jalal Ali. Therefore, his bail application is rejected.

With the aforesaid direction, both the bail applications are disposed of.

The CD (s) shall be returned.

JUDGE

Comparing Assistant