

GAHC010150502024



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

Case No. : AB/1961/2024

NUR MOHAMMAD AND 3 ORS.
S/O JONAB ALI
R/O VILL- KHARUBHAJ, P.O. RAJMITA,
P.S. LAKHIPUR,
DIST. GOALPARA, ASSAM

2: NUR SAMINA KHATUN @ NUR SAMINA
D/O NUR MOHAMMAD
R/O VILL- KHARUBHAJ
P.O. RAJMITA

P.S. LAKHIPUR

DIST. GOALPARA
ASSAM

3: ABUL KALAM @ KALAM
S/O FOYJAL HAQUE
R/O VILL- KHARUBHAJ
P.O. RAJMITA

P.S. LAKHIPUR

DIST. GOALPARA
ASSAM

4: JAMIRAN NESSA
S/O NUR MOHAMMAD
R/O VILL- KHARUBHAJ
P.O. RAJMITA

P.S. LAKHIPUR

DIST. GOALPARA

ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M KHAN, MS J YESMIN,MR Z RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 19-08-2024

Heard Mr. S. Islam, learned counsel for the petitioners 1. Nur Mohammad, 2. Nur Samina Khatun @ Nur Samina 3. Abdul Kalam @ Kalam and 4. Jamiran Nessa, who have filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as they are apprehending arrest in connection with Lakhipur Police Station Case No. 187/2024 under Sections 331(1)/118(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. M.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioners is that they have assaulted the informant's husband and the petitioner No. 1 stabbed the informant's husband and attacked him with a sharp weapon on his head.

4. It is submitted on behalf of the petitioners that there was a dispute

between both the parties and the informant's husband has sustained injuries in a scuffle.

5. I have considered the submissions at the bar with circumspection. The FIR prima facie reveals that the petitioner No. 1 attacked the informant's husband with a knife on his head. At this juncture, the petitioner No. 1's prayer for interim bail is not considered.

6. Learned Additional Public Prosecutor has raised serious objection stating that the petitioner No. 1 is not entitled to bail as there are direct allegations against the petitioner No. 1.

7. I have also scrutinized the Case Diary. Indeed there are incriminating materials against the petitioner No. 1 as well as against other petitioners. The other petitioners are complicit but the injuries were caused by the petitioner No. 1 to the injured, who has sustained 2 (Two) grievous injuries on his head which is a vital part of his body. The injured persons had 8 (Eight) stitches on his head.

8. Considering the nature and the gravity of the offence, I am not inclined to grant anticipatory bail to the petitioner No. 1. The petitioner Nos. 2, 3 and 4 have appeared before the Investigating Officer. They have cooperated with the investigation and have not violated any bail conditions, therefore, the interim bail order dated 31.07.2024 so far as the petitioner Nos. 2. Nur Samina Khatun @ Nur Samina 3. Abdul Kalam @ Kalam and 4. Jamiran Nessa are concerned, is hereby made absolute under the same terms and conditions.

9. The pre-arrest bail prayer of petitioner No. 1 is rejected at this stage.

10. In terms of the above observations, this Anticipatory Bail application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant