

GAHC010156572024



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

Case No. : AB/2119/2024

FAJLUL HOQUE AND 2 ORS
S/O LT KESHAR UDDIN
PERMANENT RESIDENT OF
VILL- BORBILA, PART-I, GARER GAON)
P.O. OWRARPAR, P.S. DHUBRI,
DIST. DHUBRI, ASSAM,
PIN- 783324
MOBILE NO. 7002778142

2: LOKMAN HAKIM
S/O LT KESHAR UDDIN
PERMANENT RESIDENT OF
VILL- BORBILA
PART-I
GARER GAON)
P.O. OWRARPAR
P.S. DHUBRI

DIST. DHUBRI
ASSAM

PIN- 783324
MOBILE NO. 7002778142

3: MOHIBUL HOQUE
S/O SURMAHAMMAD
PERMANENT RESIDENT OF
VILL- BORBILA
PART-I
GARER GAON)
P.O. OWRARPAR
P.S. DHUBRI

DIST. DHUBRI

ASSAM

PIN- 783324

MOBILE NO. 700277814

VERSUS

THE STATE OF ASSAM

TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K AHMED, MD A ISLAM,MRS J DUTTA

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

29.08.2024

Heard the learned counsel Mr. A.K. Ahmed appearing for the petitioner. I have also heard Mr. P. Borthakur, 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 Dhubri P.S. Case No.249/2024, registered under Sections 109 (1)/3(5) of the BNS, 2023.

3. On the day of occurrence, the present petitioner was driving a car. At one point of time, he hit the motorcycle which was going ahead of him.

4. The rider of the motorcycle sustained some injuries and he lodged an FIR before police alleging that because of some other disputes, the petitioner had intentionally hit him with the car.

5. Mr. Borthakur submits that the medical report suggested that the informant sustained simple injuries only.
6. Mr. Ahmed submits that this is a case of simple accident because on that date, the weather was bad and the road condition was also bad.
7. I have considered the submissions made by the learned counsel of both sides.
8. This Court is of the opinion that under the given circumstances of the case, the petitioners do not deserve to be detained in custody. Therefore, their pre-arrest bail application is allowed.
9. It is hereby directed that in the event of arrest in connection with Dhubri P.S. Case No.249/2024, registered under Sections 109 (1)/3(5) of the BNS, 2023, the petitioners, namely- (1) Fajlul Hoque, (2) Lokman Hakim and (3) Mohibul Hoque shall be released on bail of ₹20,000/- each with sureties of like amount to the satisfaction of the arresting authority.
10. The petitioners shall co-operate with the police investigation as and when required.

The application for bail is disposed of accordingly.

Case diary shall be returned.

JUDGE

Comparing Assistant