

GAHC010158092024



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

Case No. : AB/2109/2024

SAJJADUR RAHMAN BARBHUIYA
S/O ABDUL KALAM BARBHUIYA
R/O VILL- CHANDIPUR,
PART-II, PS. ALGAPUR, DIST. HAILAKANDI, ASSAM

2: ABDUL KALAM BARBHUIYA
S/O LT. YEATIR ALI BARBHUIYA
R/O VILL- CHANDIPUR

PART-II
PS. ALGAPUR
DIST. HAILAKANDI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY ITS PP, ASSAM

Advocate for the Petitioner : MD. A H LASKAR, MR A K SHARMA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

19.09.2024

Heard Md. A H Laskar, learned counsel for the petitioners as well as Ms. S H Bora, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 482 BNSS by the petitioners, namely, (1) Sajjadur Rahman Barbhuiya and (2) Abdul Kalam Barbhuiya, praying for pre-arrest bail in connection with Algapur P.S. Case No. 66/2024.

It is alleged in the FIR that in respect of a land dispute, the petitioners attacked the informant and some other persons. Some of them sustained grievous injuries.

Pursuant to the interim order dated 13.08.2024, granted in favour of the petitioner no. 2 Abdul Kalam Barbhuiya, he has appeared before the Investigating Officer and has been cooperating in the investigation. Therefore, petitioner no. 2 does not deserve to be detained in custody. Hence, the interim order dated 13.08.2024 granted in favour of the petitioner no. 2 Abdul Kalam Barbhuiya is made absolute.

So far as the petitioner no. 1 Sajjadur Rahman Barbhuiya is concerned, there are sufficient incriminating materials in the Case Diary. Therefore, prayer for pre-arrest bail made on behalf of the petitioner no. 1 is rejected.

The bail application is disposed of.

Return the Case Diary.

JUDGE

Comparing Assistant