

GAHC010158102024



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

Case No. : AB/2065/2024

MAJMAL HUSSAIN BARBHUIYA @ JABUL HUSSAIN BARBHUIYA AND
ANR

S/O RAJAB ALI BARBHUIYA
R/O VILL- BORBOND PART-II, PO. BALIURA, P.S. HAILAKANDI,
DIST. HAILAKANDI, ASSAM

2: DILOWAR HUSSAIN BARBHUIYA
S/O AZIR UDDIN BARBHUIYA
R/O VILL- BORBOND PART-II
P.O. BALLURA
P.S. HAILAKANDI
DIST. HAILAKANDI
ASSA

VERSUS

THE STATE OF ASSAM AND ANR.
REP BY THE PP, ASSAM

2:HAFISA BEGUM LASKAR
W/O MOHIBUR RAHMAN LASKAR
VILL- NISCHINNTAPUR PART-III

P.S. AND DIST. HAILAKANDI
ASSA

Advocate for the Petitioner : MR. A M BARBHUIYA, MS A BEGUM,S. M. ZINNA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 08.08.2024

Heard Mr. A.M. Barbhuiya, the learned counsel appearing for the petitioners as well as Mr. B. Sarma, the learned Additional P.P. for the State of Assam.

2. This is an application u/s 482 of BNSS, 2023 praying for grant of pre-arrest bail in respect of a notice issued u/s 68 of the Cr.P.C. by the court of the learned Additional Chief Judicial Magistrate, Hailakandi.

3. The respondent No. 2 filed an FIR before police and the case ended in filing of the final report. Thereafter, the respondent No. 2 filed a petition challenging the view taken by police.

4. Therefore, the court of the learned Additional Chief Judicial Magistrate, Hailakandi issued a notice to the present petitioner u/s 68 of the Cr.P.C.

5. The petitioners now apprehend that if they appear before the trial court upon issuance of summons, they will be remanded to custody. Therefore, they have approached this Court for grant of pre-arrest bail.

6. I have considered the submissions made by the learned counsels of both sides.

7. Mr. Sarma has objected to the prayer for anticipatory bail in the light of the materials available in the record.

8. This Court is of the opinion that the prayer of the petitioners deserves to be allowed.

9. Therefore, it is hereby directed that whenever the petitioners, namely, 1. Majmal Hussain Barbhuiya @ Jabul Hussain Barbhuiya and 2. Dilowar Hussain Barbhuiya appear before court of the learned Additional Chief Judicial Magistrate, Hailakandi in connection with C.R. Case No. 158/2024, they shall be released on bail of Rs. 20,000/- each with a surety of like amount to the satisfaction of the learned Additional Chief Judicial Magistrate, Hailakandi.

10. With the aforesaid direction, the anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant