

GAHC010175142024



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

Case No. : AB/2265/2024

MINARUL ISLAM AND 6 ORS
S/O LATE HALAL UDDIN MIAH, R/O VILL- NOWAGAON, P.S.- MANIKPUR,
DIST- BONGAIGAON, ASSAM

2: ABUL KALAM AZAD
S/O LATE HALAL UDDIN MIAH
R/O VILL- NOWAGAON
P.S.- MANIKPUR
DIST- BONGAIGAON
ASSAM

3: AMIR MIYA @ AMIR HUSSAIN
S/O MOTIAR RAHMAN
R/O VILL- NOWAGAON
P.S.- MANIKPUR
DIST- BONGAIGAON
ASSAM

4: JAKIR HUSSAIN
S/O MOTIAR RAHMAN
R/O VILL- NOWAGAON
P.S.- MANIKPUR
DIST- BONGAIGAON
ASSAM

5: JOYGAN NESSA
W/O AMIR MIYA
R/O VILL- NOWAGAON
P.S.- MANIKPUR
DIST- BONGAIGAON
ASSAM

6: DELABR HUSSAIN @ DELAUR HUSSAIN
S/O OWAJED ALI

R/O VILL- NOWAGAON
P.S.- MANIKPUR
DIST- BONGAIGAON
ASSAM

7: SHELIMA AKTARA
W/O ABUL KALAM AZAD
R/O VILL- NOWAGAON
P.S.- MANIKPUR
DIST- BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 16.09.2024

Heard Mr. M. Khan, learned counsel appearing for the petitioner as well as Mr. K,K. Parasar, learned Additional Public Prosecutor for the State of Assam.

2. This is an application filed under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of Manikpur P.S. Case No. 96/2024.

3. On 01.07.2024, an Ejahar was lodged before police. It is alleged in the FIR that the petitioner Minarul Islam owed an amount of Rs.55,000/- to Sofimiah. On 26.08.2024 when Sofimiah asked Minarul Islam to return the said money, then Minarul Islam assaulted Sofimiah with a sharp weapon. The said incident blown into a large one. Many people had fought with each other with sharp weapons. But it is only Sofimiah, who sustained grievous injuries.

4. Except Minarul Islam, there are no sufficient materials against the other

petitioners.

6. Therefore, the pre-arrest bail prayer of the petitioners, namely, Abul Kalam Azad, Amir Miya @ Amir Hussain, Jakir Hussain, Joygan Nessa, Delbar Hussain @ Deluar Hussain and Shelima Aktara is allowed.

7. It is hereby directed that in the event of arrest in connection with Manikpur P.S. Case No. 96/2024, the above-named petitioners shall be released on bail of Rs. 25,000/- each with a surety of like amount to the satisfaction of the arresting authority.

8. The petitioners are directed to co-operate with the Investigating Officer as and when called for.

9. In so far as the bail prayer of the petitioner, Minarul Islam is concerned, there are incriminating materials against him in the case diary. Therefore, his bail prayer is rejected.

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

The CD (s) shall be returned.

JUDGE

Comparing Assistant