

GAHC010184112024



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

Case No. : Bail Appln./2710/2024

KHANDAKAR SOFIUR RAHMAN
S/O AKHER ALI KHANDAKAR, R/O VILL- NO. 1 BHANDARA, P.O.-
BHANDARA BAZAR, P.S.-MANIKPUR, DIST- BONGAIGAON, ASSAM, PIN
CODE-783390

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M U MAHMUD, MS. D BORA, MR S ISLAM, MR S H MAHMUD

Advocate for the Respondent : PP, ASSAM,

Linked Case : AB/2443/2024

LAL BHANU AND ANR
D/O LATE TAHID ALI
R/O AOLAGURI
P.S.MANIKPUR
DIST. BONGAIGAON
ASSAM

2: RAFIQUUL ISLAM
S/O LATE TAHID ALI
R/O AOLAGURI
P.S.MANIKPUR
DIST. BONGAIGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR H R A CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 25.09.2024

Heard Mr. M.U. Mahmud as well as Mr. A. Ahmed, learned counsels for the petitioners. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State of Assam.

2. Since both the bail application arises out of the same FIR, all the two bail applications are taken up together for disposal by this common order.
3. These applications are filed under Sections 482 & 483 of the BNSS, 2023 seeking pre-arrest bail, regular bail in respect of Bijni P.S. Case No. 120/2024.
4. The petitioners, Lal Bhanu and Khandakar Sofiur Rahman are accused of murdering the younger brother of the informant. The trial court convicted them and after filing of the appeal before this Court, this Court allowed both of them to go on bail. Thereafter, the informant lodged an FIR before police alleging that the petitioners, Lal Bhanu and Khandakar Sofiur Rahman had assaulted his 17 year old nephew on the road.
5. It is further alleged that on 29.08.2024 at about 10.30 AM, while the informant was going towards Bijni, the petitioners Lal Bhanu and Khandakar Sofiur Rahman travelling in a vehicle bearing registration No. AS-18J-6390 tried to knock down the motorcycle of the informant with an intention to kill him.
6. Mr. Mahmud has submitted that since the petitioners, Lal Bhanu and Khandakar Sofiur

Rahman have been released on bail by this Court, the informant has lodged the FIR with a concocted story.

7. Mr. Ahmed has submitted that because of the said incident, the informant sustained some injuries. According to Mr. Ahmed, there was no intention to commit murder.

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

9. The petitioner, Khandakar Sofiur Rahman has already spent 26 days in judicial custody. This Court is of the opinion that under the given circumstances of the case, he no longer deserves to be detained in custody. Therefore, his bail application is allowed.

10. The petitioner, Khandakar Sofiur Rahman is allowed to go on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the learned SDJM (M), Bijni, Chirang.

11. The bail prayer of the petitioners, Lal Bhanu and Rafiqul Islam are also allowed.

12. It is hereby directed that in the event of arrest in connection with Bijni P.S. Case No. 120/2024, the petitioners, Lal Bhanu and Rafiqul Islam shall be released on bail of Rs. 25,000/- each with a surety of like amount to the satisfaction of the arresting authority.

13. Both the petitioners, Lal Bhanu and Rafiqul Islam are directed to appear before the Investigating Officer within next 10 days from today.

With the aforesaid direction, both the bail applications are disposed of.

The CD (s) shall be returned.

JUDGE

Comparing Assistant