

GAHC010184622024



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

Case No. : AB/2376/2024

MD NAZRUL ISLAM AND ANR
S/O MANNASH ALI,
R/O THANAGARAH, P.S. MORIGAON, DISTRICT- MORIGAON, ASSAM

2: MD JAHIRUL ISLAM
S/O MD NURUL AMIN
R/O THANAGARAH
P.S. MORIGAON
DISTRICT MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P, MR S H SIKDAR,MR. J ALI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 24.10.2024

Heard Mr. S.M. Abdullah P, learned counsel appearing for the petitioners and Mr. R.J. Baruah, learned Additional Public Prosecutor appearing for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of

anticipatory bail to the petitioners, namely, 1. Md. Nazrul Islam and 2. Md. Jahirul Islam in respect of Morigaon P.S. Case No. 103/2024.

3. The informant has been in a legal battle with the petitioners and their parents and other relatives. On 17th April, 2024, when 17 year old Arzu Amin and 14 year old Ashma Amin were entering their house, the petitioners alongwith other persons (named in the FIR), did not allow them to enter into their house. They had a quarrel and during that incident, grievous injury was caused on the cheek of Arzu Amin and simple injury was also caused to Ashma Amin.

4. In the meantime, police has already arrested Abdul Mannash and his wife Nazifa Khatun. According to the police forwarding report, they had admitted that they had caused injuries to Arzu Amin and Ashma Amin with sharp weapons.

5. In the statements recorded u/s 161 of the Cr.P.C., the victims have implicated the present petitioners also, supported by medical evidence. Therefore, Mr. Baruah has objected to this bail application.

6. Mr. Abdullah has submitted that both sides live in the same neighborhood and the present petitioners though they were present at the place of occurrence did not take part in the occurrence. They are relatives of Abdul Mannash and Nazifa Khatun.

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

8. Since Abdul Mannash and his wife Nazifa Khatun have confessed before police that they have caused injuries to Arzu Amin and Ashma Amin, this Court is of the opinion that the petitioners do not deserve to be detained in custody.

9. Therefore, the pre-arrest bail application of the petitioners is allowed.

10. It is hereby directed that in the event of arrest in connection with Morigaon P.S. Case No. 103/2024, the petitioners, namely, 1. Md. Nazrul Islam and 2. Md. Jahirul Islam shall be released on bail of Rs. 20,000/- each to the satisfaction of the arresting authority.

11. The petitioners shall appear before the Investigating Officer within next 10 days

from today. Both the petitioners are directed to co-operate with the Investigating Officer as and required.

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

JUDGE

Comparing Assistant