

GAHC010185272024



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

Case No. : AB/2418/2024

MOFIZUL ALI @ MOFIZUL HOQUE AND 4 ORS
S/O ALI HUSSAIN, R/O VILL- BANGALI PARA PART-II, P.S.-BILASHIPARA,
DIST- DHUBRI, ASSAM

2: ALI HUSSAIN
S/O LATE PUSHAR ALI
R/O VILL- BANGALI PARA PART-II
P.S.-BILASHIPARA
DIST- DHUBRI
ASSAM

3: MOHIRUL HUSSAIN @ MOHIRUL HOQUE
S/O ALI HUSSAIN
R/O VILL- BANGALI PARA PART-II
P.S.-BILASHIPARA
DIST- DHUBRI
ASSAM

4: MAHOUR JAN BIBI @ MOHIRON BIBI
W/O ALI HUSSAIN
R/O VILL- BANGALI PARA PART-II
P.S.-BILASHIPARA
DIST- DHUBRI
ASSAM

5: BABINA BEGUM @ BABY BEGUM
W/O MOFIJUL ALI
R/O VILL- BANGALI PARA PART-II
P.S.-BILASHIPARA
DIST- DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, B BARMAN,MR. H ALI

Advocate for the Respondent : PP, ASSAM, P. KALITA(INFORMANT),MD A RAHMAN
(INFORMANT)

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 12/12/2024

Heard Mr. I.A. Hazarika, learned counsel appearing for the petitioners. Also heard Mr. R.R. Kaushik, learned APP, Assam as well as Ms. P. Kalita, learned counsel for the informant.

This is an application under section 482 of the BNSS, 2023 praying for pre-arrest bail in connection with Bilasipara PS case No. 183/2024 registered under sections 117(2)/118(2)/2(34) of the BNS, 2023.

On the day of the occurrence, the smoke emanating from the cow shed of the petitioners' house caused trouble to the informant's house. Therefore, the family members of the informant had quarrels with the petitioners. The said quarrels became violent. It is alleged that the petitioners had attacked the family members of the informant with sharp weapons causing grievous injuries.

The CD contains some photographs showing that the family members of the informant sustained grievous injuries. The case diary also reveals some incriminating materials against the present petitioners.

I have considered the submission advanced by learned counsel for both the sides.

Though some incriminating materials are available against the petitioner No. 4 *Mahour Jan Bibi*

@ Mohiron Bibi and petitioner NO. 5 Babina Begum @ Baby Begum, this Court is of the opinion that since they are women, they do not deserve to be retained in custody. Therefore, their pre-arrest bail is allowed. The interim order dated 03/10/2024 is made absolute.

So far as the prayer of petitioner no. 2 Ali Hussain is concerned, there are some incriminating materials against him. But considering his age, this Court is of the opinion that in such an age he does not deserve to be retained in custody. Therefore, his pre-arrest bail is hereby allowed.

It is hereby directed that in the event of arrest in connection with Bilasipara PS Case No. 183/2024, the petitioner Ali Hussain shall be released on bail on furnishing bail bond of Rs. 20,000/- and one surety of like amount to the satisfaction of the arresting authority.

Ali Hussain shall appear before the Investigating Officer within 10(ten) days from today.

The bail application of the petitioners Mofizul Ali @ Mofizul Hoque and Mohiru Hussain @ Mohirun Hoque is rejected.

The bail application stands disposed of accordingly.

The CD shall be returned.

JUDGE

sukhamay

Comparing Assistant