

GAHC010182512024



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

Case No. : Bail Appln./2689/2024

MAHSIN KHAN @ MOHSEN KHAN
S/O MEHMOOD KHAN, R/O VILL- BHALUKDUBI, P.S.-GOALPARA, DIST-
GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H DAS, D BARUAH, MR. B C DEKA

Advocate for the Respondent : PP, ASSAM,

Linked Case : Bail Appln./2749/2024

MOIDUL ISLAM SARKAR
S/O DILOWAR HUSSAIN
VILL- HEDAITPUR
P.S.-GOALPARA
DIST- GOALPARA
ASSAM

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. B HALDAR
Advocate for : PP
ASSAM appearing for STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 24.09.2024

This is a common order for these two bail applications as both the bail applications have arisen out of the same FIR.

2. Heard Mr. H. Das and Mr. B. Haldar, learned counsel appearing for the petitioners and Mr. R.J. Baruah, learned Additional Public Prosecutor for the state of Assam.

3. Both the bail applications are filed under Section 483 of the BNSS, 2023 praying for grant of regular bail to the petitioners, Mahsin Khan @ Mohsen Khan and Moidul Islam Sarkar, who were arrested in connection with Goalpara P. S. Case No. 88/2024.

4. The petitioner Moidul Islam Sarkar runs a Drug Rehabilitation Centre. One day, one of the inmates, namely Niksamseng Ch Marak died in the rehabilitation centre.

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

6. The case diary reveals that on the day of occurrence, there was a big fight between the inmates of the rehabilitation centre. All the inmates including the petitioner, Mahsin Khan @ Mohsen Khan had assaulted the deceased. As a result

of which, he died.

7. The petitioner, Mahsin Khan @ Mohsen Khan has already spent 82 days in jail custody, whereas, the other petitioner, Moidul Islam Sarkar has spent 74 days in judicial custody.

8. Considering all these facts, this Court of the opinion that both the petitioners no longer deserves to be detained in custody. Their bail applications are allowed.

9. Accordingly, the petitioners, namely, Mahsin Khan @ Mohsen Khan and Moidul Islam Sarkar, who were arrested in connection with Goalpara P. S. Case No. 88/2024 shall be released on bail of Rs.25,000/- each with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Goalpara.

10. Both the bail applications stand disposed of accordingly.

The CD (s) shall be returned.

JUDGE

Comparing Assistant