

GAHC010186762024



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

Case No. : AB/2415/2024

AMINUL ISLAM AND 9 ORS
S/O LATE ABDUL JOLIL MONDAL, R/O VILL- KANAIMARA PART-II, P.S.-
SOUTH SALMARA, DIST-SOUTH SALMARA MANKACHAR, ASSAM

2: SAHINUR ISLAM MONDAL @ SHAHINUR
S/O LATE KHOLIL MONDAL
R/O VILL- DAYAR CHAR
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA MANKACHAR
ASSAM

3: RAJU MONDAL @ RAJU MIAH
S/O LATE KHOLIL MONDAL
R/O VILL- DAYAR CHAR
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA MANKACHAR
ASSAM

4: A. MOTLEB @ MOTLEB MONDAL
S/O LATE KHOLIL MONDAL
R/O VILL- DAYAR CHAR
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA MANKACHAR
ASSAM

5: MOYNAL HOQUE
S/O LATE KHOLIL MONDAL
R/O VILL- DAYAR CHAR
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA MANKACHAR
ASSAM

6: AKRAMUZZAMAN MONDAL @ AKHRUZAMAN
S/O LATE KHOLIL MONDAL

R/O VILL- DAYAR CHAR
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA MANKACHAR
ASSAM

7: AWAI DUL ISLAM @ AHEDUR ISLAM
S/O LATE ABDUL JOLIL MONDAL
R/O VILL- KANAIMARA PART-II
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA MANKACHAR
ASSAM

8: AFZALUR RAHMAN MONDAL @ AFZAL
S/O REZZAK MONDAL @ REZAUL
R/O VILL- DAYAR CHAR
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA MANKACHAR
ASSAM

9: ASHRAFUL ALOM MONDAL @ ASHRAFUL
S/O TAHER ALI MONDAL
R/O VILL- DAYAR CHAR
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA MANKACHAR
ASSAM

10: SHALU MIAH @ SALU
S/O USGAR ALI
R/O VILL- DAYAR CHAR
P.S.-SOUTH SALMARA
DIST-SOUTH SALMARA MANKACHAR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. MAHMED, MD I H LASKAR

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 19-09-2024

Heard Mr. H.R.A. Choudhury, learned Senior Counsel assisted by Mr. M. Ahmed, learned counsel appearing for the petitioners. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of South Salmara P.S. Case No.156/2024, registered under Sections 191(2)/191(3)/190/329(3)/223/117(2)/118(2)/109 of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The informant side and the present petitioners are already engaged in a civil suit in respect of a plot of land. The Civil Court passed an order restraining both the sides from entering into the land. However, on the day of occurrence, the present petitioners allegedly entered into the land and started to plough the land. Therefore, the informant side objected to it. There was a big fight between them and as many as ten persons sustained grievous injuries.

4. Today, after perusal of the case diary, it is found that there are incriminating materials against the petitioners namely – (i) Aminul Islam, (ii) Raju Mondal @ Raju Miah, (iii) Moynal Hoque, (iv) Afzalur Rahman Mondal @ Afzal, (v) Ashraful Alom Mondal @ Ashraful and (vi) Shalu Miah @ Salu.

5. Therefore, the prayer for pre-arrest bail of the afore-mentioned petitioners is rejected.

6. However, there are no sufficient materials against the other petitioners and they do not deserve to be detained in custody. Therefore, their pre-arrest bail

application is allowed.

7. It is hereby directed that in the event of arrest in connection with South Salmara P.S. Case No.156/2024, registered under Sections 191(2)/191(3)/190/329(3)/223/117(2)/118(2)/109 of the BNS, 2023, the petitioners, namely – (i) Shahinur Islam Mondal @ Shahinur, (ii) A. Motleb @ Motleb Mondal, (iii) Akramuzzaman Mondal @ Akhruzaman and (iv) Awaidul Islam @ Ahedur Islam shall be released on bail of ₹20,000/- each with sureties of like amount to the satisfaction of the arresting authority.

8. These petitioners are directed to appear before the Investigating Police Officer within next 10(ten) days from today.

The application for bail is disposed of accordingly.

Case diary shall be returned.

JUDGE

Comparing Assistant