

GAHC010188302024



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

Case No. : AB/2432/2024

ABDUL ALIM AND 4 ORS
S/O ESOB ALI
R/O VILL- ABADI GAON
P.S. MANIKPUR
DIST. BONGAIGAON, ASSAM

2: AHITON NESSA @ WAHIDA KHATUN
W/O ABDUL ALIM
R/O VILL- ABADI GAON
P.S. MANIKPUR
DIST. BONGAIGAON
ASSAM

3: RAJOB ALI
S/O LATE RUSTOM ALI
R/O GOBARDHANA
P.S. GOBARDHANA
DIST.BAKSA
ASSAM

4: JAVED ALI
S/O FULSON MIYA
R/O VILL- ABADI GAON
P.S. MANIKPUR
DIST. BONGAIGAON
ASSAM

5: REJIYA KHATUN
W/O JAVED ALI
R/O VILL- ABADI GAON
P.S. MANIKPUR
DIST. BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED, MR A AHMED,U U KHAN,MR. M A
CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

Linked Case : Bail Appln./2675/2024

ESOB ALI AND 2 ORS.
S/O LT. RUSTOM ALI
R/O VILL- ABADI GAON
P.S.-MANIKPUR
DIST- BONGAIGAON (ASSAM)

2: KHAIRUN NESSA
W/O ESOB ALI
R/O VILL- ABADI GAON
P.S.-MANIKPUR
DIST- BONGAIGAON (ASSAM)

3: ABDUL WAHAB @ ABDUL BAREK
S/O ESOB ALI
R/O VILL- ABADI GAON
P.S.-MANIKPUR
DIST- BONGAIGAON (ASSAM)
VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. A AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

Linked Case : Bail Appln./3094/2024

JAVED ALI AND ANR
S/O LATE FULSHAN ALI
R/O VILLAGE ABADI GAON
PS. MANIKPUR
DISTRICT BONGAIGAON
ASSAM

2: REJIA KHATUN
W/O JAVED ALI
R/O VILLAGE ABADI GAON
PS. MANIKPUR
DISTRICT BONGAIGAON
ASSAM
VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. A AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 04.10.2024

Since these three bail applications arise out of the same FIR, all the bail applications are taken up together for disposal by this common order.

2. Heard Mr. A Ahmed, learned counsel appearing for the petitioners. Also heard Mr.R.J. Baruah, learned Additional Public Prosecutor for the state of Assam.

3. These petitions are filed under Sections 482 & 483 of the BNSS, 2023 seeking regular bail and pre-arrest bail in respect of Manikpur P.S. Case No. 105/2024.

4. The informant's goat entered into the cultivated land of Abdul Alim. Because of that incident, both the families of the petitioners and the informant had quarrel at about 12 noon. After that, at about 2 PM, Abdul Alim gathered a group of persons in his house armed with weapons. Subsequently they had beaten up Eyasin Ali, the son of the informant and killed

him by assaulting him.

5. Mr. Baruah has submitted that the witnesses have implicated only two persons, who caused the injuries to the deceased person.

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

7. The petitioners, Esob Ali, Khairun Nessa, Abdul Wahab @ Abdul Barek, Javed Ali and Rejia Khatun, who were arrested in connection with Manikpur P.S. Case No. 105/2024, have already spent 25 days and 65 days in judicial custody, Therefore, they no longer deserve to be detained in custody for any further period of time. Therefore, their bail application is allowed.

8. It is hereby directed that the three petitioners, namely, Esob Ali, Khairun Nessa, Abdul Wahab @ Abdul Barek, Javed Ali and Rejia Khatun shall be released on bail of Rs. 20,000/- each with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Bongaigaon.

9. At this stage, there is no incriminating materials against the petitioners, Abdul Alim and Ahiton Nessa @ Wahida Khatun in the case diary. Therefore, this Court is of the opinion that custodial interrogation of the petitioners, Abdul Alim and Ahiton Nessa @ Wahida Khatun is not necessary. It is hereby directed that in the event of arrest in connection with Manikpur P.S. Case No. 105/2024, the petitioners, namely, Abdul Alim and Ahiton Nessa @ Wahida Khatun shall be released on bail of Rs. 25,000/- each with a surety of like amount to the satisfaction of the arresting authority.

10. The petitioners, Abdul Alim and Ahiton Nessa @ Wahida Khatun are directed to appear before the Investigating Officer within next 10 days from today.

11. With the aforesaid direction, all the three bail applications are disposed of.

12. The CD (s) shall be returned.

JUDGE

Comparing Assistant