

GAHC010188892024



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

Case No. : AB/2452/2024

AFNUR CHOUDHURY AND 2 ORS.
S/O LATE ARFAN CHOUDHURY
R/O MUKALMUA (BIDYAPUR),
P.S. MUKALMUA
DIST. NALBARI, ASSAM

2: ALAUDDIN CHOUDHURY
S/O LATE ARFAN CHOUDHURY
R/O MUKALMUA (BIDYAPUR)

P.S. MUKALMUA
DIST. NALBARI
ASSAM

3: AKBAR CHOUDHURY
S/O LATE ARFAN CHOUDHURY
R/O MUKALMUA (BIDYAPUR)

P.S. MUKALMUA
DIST. NALBARI
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

30.09.2024

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

This is an application filed under Section 482 of the BNSS, 2023 praying for pre-arrest bail in favour of the petitioners, namely, (1) Afnur Choudhury; (2) Alauddin Choudhury; and (3) Akbar Choudhury, in connection with Mukalmua P.S. Case No.165/2024.

On 16.08.2020, one Md. Abdul Rahman had lodged an FIR before the Police alleging that the present petitioners had entered into his house armed with sharp weapons and the petitioners allegedly attacked his mother Miss. Hasina Begum. Accordingly, Police registered a case under Sections 448/326/34 of the IPC.

Thereafter, on 11.06.2024, Ms. Hasina Begum has again lodged a complaint before the learned Chief Judicial Magistrate, Nalbari alleging that the present petitioners had attacked her and also snatched away some gold ornaments. Therefore, she prayed before the court to register a case under Sections 448/325/326/379/34 of the IPC.

On receipt of the complaint aforesaid, the learned Chief Judicial Magistrate, Nalbari forwarded the same to the Mukalmua Police Station to register a case under sections 448/325/326/379/34 of the IPC.

Mr. Ahmed has submitted that the complaint submitted by Ms. Hasina Begum is the reiteration of the incident which were narrated in the FIR submitted by Md. Abdul Rahman on 16.08.2020.

According to Mr. Abdullah, the case was already ended with submission of Final Report in the year 2021 and the present FIR has been lodged by Ms. Hasina Begum on the same incidents, which is not maintainable in law.

I have gone through the Case Diary.

Having heard the learned counsel of both sides, this court is of the opinion that the petitioners aforesaid do not deserve to be detained in custody. Accordingly, the prayer for pre-

arrest bail of the petitioner is allowed.

It is directed that in the event of arrest of the petitioners, namely, (1) Afnur Choudhury; (2) Alauddin Choudhury; and (3) Akbar Choudhury, in connection with Mukalmua P.S. Case No.165/2024, the arresting authority shall release them on bail of Rs.20,000/- each with one surety of like amount to the satisfaction of the arresting authority.

The petitioners are directed to appear before the Investigating Officer within 10 (ten) days from today.

The bail application is disposed of.

Return the case dairy.

JUDGE

Comparing Assistant