

GAHC010220092024



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

Case No. : Bail Appln./3221/2024

KOBED ALI @ KOBADALI
S/O NUR HUSSAIN,
RESIDENT OF BORBHITA PS GOROIMARI, DIST KAMRUP ASSAM

2: ROMJAN ALI
S/O NUR HUSSAIN

RESIDENT OF BORBHITA PS GOROIMARI
DIST KAMRUP ASSA

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : MR. S HOQUE, MR S ISLAM

Advocate for the Respondent : PP, ASSAM,

Linked Case : AB/2502/2024

SAIFUL HOQUE AND ORS
S/O- SHAJAHAN ALI
R/O-BARBHITHA KACHARI GAON
P.S.- GOROIMARI
DIST-KAMRUP
PIN- 781137

2: ROHIM BADSHA
S/O-KALAM ALI
R/O-MERGANDA
P.S.- GOROIMARI
DIST-KAMRUP
PIN- 781141

3: CHAMER ALI
S/O- AKBAR ALI
R/O- 320 MERGANDA LP SCHOOL
GOROIMARI
P.S- GOROIMARI
DIST-KAMRUP
PIN-781141
VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for : A H CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

Linked Case : AB/2641/2024

JAKIR HUSSAIN AND ANR
S/O ABUL HUSSAIN
R/O MERGANDA
P.O HATIPARA
P.S. GOROIMARI
DISTRICT KAMRUP
ASSAM
PIN 781137
MOB. NO. 98640 27090

2: AJIBAR RAHMAN
S/O ABUL HUSSAIN
R/O MERGANDA
P.O HATIPARA
P.S. GOROIMARI
DISTRICT KAMRUP
ASSAM
PIN 781137
MOB. NO. 98640 27090

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP
ASSAM

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

BEFORE

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

29-10-2024

Heard Mr. S. Hoque, learned counsel, Mr. R. Sharma, learned counsel and Mr. A.K.Ahmed, learned counsel appearing for the petitioners. Also heard Mr. R. J. Boruah, learned Additional Public Prosecutor, Assam appearing for the State.

2. The bail application being BA Nos. 3221/2024 is filed under Section 483 of BNSS, 2023 for granting regular bail to the petitioners, namely, (i) **Kobed Ali @ Kobadali** and (ii) **Romjan Ali** respectively, who were arrested in connection with Goroimari P.S. Case No. 101/2024, registered under Sections 131/121/311/62/118/3(5) of the BNSS, 2023 and the anticipatory bail applications being AB Nos. 2502/2024 & 2641/2024 are filed under Section 482 of the BNSS, 2023 for granting pre-arrest bail to the petitioners, namely, **(i) Saiful Hoque**, **(ii) Rohim Badsha** **(iii) Chamer Ali** **(iv) Jakir Hussain** and **(v) Ajibar Rahman** in connection said P.S. Case, i.e., Goroimari P.S. Case No. 101/2024.

3. One police official has alleged in the FIR that on the day of occurrence at about 11:30 am, two groups of persons were quarreling by the side of the road. The informant was leading a police patrolling party and they asked those people to stop quarrel and at that time, a person namely, Atar Ali had attacked the informant as well as the VDP President, namely, Chand Mohammad Sheikh with a sharp weapon, for which, both of them injured badly.

4. Mr. Boruah, learned Additional Public Prosecutor, Assam has objected to these three

bail applications on the ground that the petitioners had attacked the police party and they had prevented the police personnel from doing their duties.

5. I have considered the submissions made by both sides.

6. The petitioners, (i) Kobed Ali @ Kobadali and (ii) Romjan Ali have already completed 59 days of judicial custody.

7. Considering the period of detention of the petitioners in custody, this Court is of the opinion that they have no longer deserved to be detained in judicial custody.

8. In view of the above, the bail application of (i) Kobed Ali @ Kobadali and (ii) Romjan Ali is allowed. Both of them shall be released on bail on furnishing a bail bond of Rs. 25,000/- each with two local sureties each of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup, Amingaon.

9. So far as the prayer of the anticipatory bail is concerned, the prayers made by Saiful Hoque, Rohim Badsha, Chamer Ali, Jakir Hussain and Ajibar Rahman are not found to be satisfactory. Accordingly, both the anticipatory bail applications being AB Nos. 2502/2024 & 2641/2024 are rejected.

10. These bail applications stand disposed of accordingly.

11. Case diary shall be returned.

JUDGE

Comparing Assistant