

GAHC010194102024



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

Case No. : Bail Appln./2840/2024

TALU MIYA ALIAS ABU TALEB AND ANR
S/O LT. FALU MIYA
VILL- DHARMAPUR
P.S. SORBOG
DIST. BARPETA, ASSAM

2: RABBUL @ SANOWAR HUSSAIN
S/O TALU MIYA @ ABU TALEB
VILL- DHARMAPUR
P.S. SORBHOG
DIST. BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MS. P AHMED, MR. M I HUSSAIN, MR
S ISLAM, N. UDDIN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 03.10.2024

Heard Mr. HRA Choudhury, learned Senior Counsel assisted by Mr. M.I. Hussain, learned counsel appearing for the petitioners and Mr.R.J. Baruah, learned Additional Public Prosecutor for the state of Assam.

2. This is an application under Section 483 of BNSS, 2023 praying for grant of regular bail to the petitioners, who were arrested in connection with Manikpur P. S. Case No. 105/2024.

3. On the issue of a goat belonging to the informant entering into the land of a neighbor, a quarrel took place between the families of the petitioners and the informant at about 12 noon on 21.07.2024. After that, at about 2 PM, the present petitioners alongwith some other persons allegedly attacked the family of the informant. As a result of which, one person, namely, Easin Ali died.

4. I have gone through the case diary.

5. Though the case diary shows that the present two petitioners were present at the place of the occurrence, there are no incriminating materials in the case diary against them as on date.

6. Mr. Choudhury has submitted that the petitioner No. 1 had gave his daughter on marriage to Abdul Barek, who is shown as accused No. 4 in the FIR. According to Mr. Choudhury, he has informed the present two petitioners about the occurrence that took place at about 12 noon. They all went there to settle the dispute and the subsequent incident took place. Mr. Choudhury has submitted that the present two petitioners never took part in any offence.

7. After considering the submissions made by the learned counsels of both sides and after going through the case diary, this Court is of the opinion that both the petitioners no longer deserves to be detained in custody as there are no incriminating materials in the case diary against them as on date.

8. Therefore, the petitioners, 1. Talu Miya @ Abu Taleb and 1. Rabbul @ Sanowar Hussain 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, Bongaigaon.

9. The bail application stands disposed of accordingly.

The CD shall be returned.

JUDGE

Comparing Assistant