

GAHC010203082024



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

**Case No. : Bail Appln./2973/2024**

ROFIQUL ISLAM @ RAFIQUUL ISLAM  
S/O LT. KALIMUDDIN MONDAL, R/O VILL- MANTRIRCHAR, P.S.-SOUTH  
SALMARA, DIST- DHUBRI, ASSAM

VERSUS

STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : A W AMAN, A S CHOUDHURY, SAMIM RAHMAN, MR. SURAJIT  
DAS, MR SARFRAZ NAWAZ

**Advocate for the Respondent** : PP, ASSAM,

Linked Case : AB/2546/2024

SHAHA ALOM MONDAL @ SAH ALOM AND ANR  
S/O KALIMUDDIN MONDAL  
RESIDENT OF VILLAGE MANTRIRCHAR PS SOUTH SALMARA  
DIST DHUBRI  
ASSAM

2: SOMESH ALI @ SHOMESH ALI  
S/O LATE SEBAD ALI  
RESIDENT OF VILLAGE MANTRIRCHAR PS SOUTH SALMARA  
DIST DHUBRI

ASSAM  
VERSUS

THE STATE OF ASSAM  
REP BY THE PP ASSAM

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Advocate for : MR SARFRAZ NAWAZ  
Advocate for : PP  
ASSAM appearing for THE STATE OF ASSAM

Linked Case : Bail Appln./3085/2024

SAHINUR MONDAL @ RAHMAN @ SHAHINUR RAHMAN  
S/O LT. KALIMUDDIN MONDAL  
R/O VILL- MANTRIRCHAR  
P.S.-SOUTH SALMARA  
DIST- DHUBRI  
ASSAM

VERSUS

STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR  
ASSAM

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Advocate for : A W AMAN  
Advocate for : PP  
ASSAM appearing for STATE OF ASSAM

**BEFORE**

**HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

**29-10-2024**

Heard Mr. S Das, learned counsel appearing for the petitioners and Mr. R.J.Boruah, learned Additional Public Prosecutor, Assam for the State.

2. Both the bail applications being BA Nos. 2973/2024 & 3085/2024 are filed under Section 483 of BNSS, 2023 for granting regular bail to the petitioners, namely, (i) **Rofiquil Islam @ Rafiquil Islam** and (ii) **Sahinur Mondal @ Rahman @ Shahinur Rahman** respectively, who were arrested in connection with South Salmara P.S. Case No. 148/2024, registered under Sections 303(2)/317(2)/111(1)(i)(2)(b) of the BNSS, 2023 and the bail application being AB No. 2546/2024 is filed under Section 482 of the BNSS, 2023 for granting pre-arrest bail to the petitioners, namely, (i) **Shaha Alom Mondal @ Sah Alom** and (ii) **Somesh Ali @ Shomesh Ali** in connection said P.S. Case, i.e., South Salmara P.S. Case No. 148/2024.

3. The allegation brought against the petitioners is that on 10.07.2024 at about 01:00 am, the petitioners, namely, Shah Alom Mondal, Sahinur Mondal, Rafiquil Islam, Habej Ali, Somesh Ali, Akser Ali and some unknown persons have committed theft of 30 Nos. of solar batteries from the house of the informant.

4. The police arrested Rafiquil Islam and on the basis of his evidence, Sahinur Mondal @ Rahman @ Shahinur Rahman was also arrested by police.

5. The accused petitioner, Rofiquil Islam @ Rafiquil Islam has already spent 78 days in judicial custody, whereas the accused petitioner Sahinur Mondal has spent 35 days in judicial custody and the stolen goods are yet to be recovered.

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

7. Considering the period of detention of the petitioners' in custody only, the bail prayers of (i) Rofiquil Islam @ Rafiquil Islam and (ii) Sahinur Mondal @ Rahman @ Shahinur Rahman are allowed . They shall be released on bail on furnishing a bail bond of Rs.20,000/- each with two local sureties each of the like amount to the satisfaction of the learned Chief Judicial Magistrate, South Salmara Mankachar, Assam.

8. So far as the prayer of the anticipatory bail is concerned, the prayers made by (i) Shaha Alom Mondal @ Sah Alom and (ii) Somesh Ali @ Shomesh Ali are not found to be satisfactory. Accordingly, the anticipatory bail application being AB No. 2546/2024 is rejected.

9. These three bail applications are disposed of accordingly.

**10.** Case Diary shall be returned.

**JUDGE**

**Comparing Assistant**