

GAHC010200192024



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

Case No. : Bail Appln./2928/2024

ABDUL HANNAN AND 3 ORS.
S/O MUSLIM UDDIN, R/O RUPAHI, P.S.-RUPAHI, DIST-NAGAON (ASSAM)

2: MERAJUL HUSSAIN
S/O LATE AMZAD ALI
R/O DIMRUPAR
P.S.-HOJAI
DIST- HOJAI (ASSAM)

3: AFTHAR HUSSAIN @ AFTAR HUSSAIN
S/O AMZAD ALI
R/O DIMRUPAR SIKARI BASTI
P.S.-HOJAI
DIST- HOJAI (ASSAM)

4: SADDAM HUSSAIN
S/O ABDUL RASHID
R/O DIMRUPAR SIKARI BASTI
P.S.-HOJAI
DIST- HOJAI (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. I U CHOWDHURY, MR. T U
BHUYAN

Advocate for the Respondent : PP, ASSAM, MR S HUSSAIN(INFORMANT), MR. A S
CHOUDHURY (INFORMANT)

Linked Case : AB/2472/2024

SATRUGHAN YADAV
S/O CHHEDI YADAV
R/O VILL- RAMPUR
P.S. HOJAI
DIST. HOJAI
ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP BY THE PP ASSAM

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

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 03.10.2024

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

2. Heard Mr. HRA Choudhury, learned Senior Counsel assisted by Mr. T. U. Bhuyan, learned counsel appearing for the petitioners. Also heard Mr.R.J. Baruah, learned Additional Public Prosecutor for the state of Assam as well as Mr. A.S. Choudhury, learned counsel appearing for the informant.

3. These two applications are filed under Sections 482 & 483 of the BNSS, 2023 seeking pre-arrest bail, regular bail in respect of Hojai P.S. Case No. 251/2024.

4. Mr. A.S. Choudhury has objected to these bail applications.

5. It is alleged in the FIR that on 21.08.2024, the deceased Fariduddin was kidnapped by the present petitioners alongwith some other persons. He was taken to the garage of the petitioners, Merajul Hussain and Afthar Hussain @ Aftar Hussain. It is alleged in the FIR that the petitioners demanded a sum of Rs. 30,000/- from the informant, who is the wife of Fariduddin. Later on, she came to know from police that her husband had died. According to the informant, she noticed injury marks on the body of her husband. His left hand was also broken.

6. Mr. Choudhury has submitted that the deceased had committed theft of some articles from the petrol pump owned by the petitioners, Merajul Hussain and Afthar Hussain @ Aftar Hussain and for that matter, public caught red handed and he was beaten up by the public.

7. The case diary also reveals that there was a public assault upon the deceased and the petitioners and the petitioners were in the said public.

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

9. The petitioners, 1. Abdul Hannan, 2. Merajul Hussain, 3. Afthar Hussain @ Aftar Hussain, 4. Saddam Hussain have completed 45 days in custody. This Court is of the opinion that under the given circumstances of the case, they no longer deserve to be detained in custody. Therefore, their bail application is allowed.

10. It is hereby directed that the petitioners, 1. Abdul Hannan, 2. Merajul Hussain, 3. Afthar Hussain @ Aftar Hussain, 4. Saddam Hussain, who were arrested in connection with Hojai P.S. Case No. 251/2024 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, Sankardev Nagar, Hojai.

11. Under the given circumstances of the case, this Court is of the opinion that custodial interrogation of the petitioner, Satrugan Yadav is not necessary. It is hereby

directed that in the event of arrest in connection with Hojai P.S. Case No. 251/2024, the petitioner, Satrugan Yadav shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the arresting authority.

12. The petitioner, Satrugan Yadav is directed to appear before the Investigating Officer within next 10 days from today.

13. With the aforesaid direction, both the bail applications are disposed of.

14. The CD (s) shall be returned.

JUDGE

Comparing Assistant