

GAHC010204282024



2024:GAU-AS:11275

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

Case No. : AB/2634/2024

ABDUL SALAM LASKAR @ MONAI AND 3 ORS.
S/O LATE AZIR UDDIN LASKAR
R/O HAILAKANDI TOWN WARD NO. 8, LAXMISAHAR
P.S. AND DIST. HAILAKANDI, ASSAM

2: RAFIQUE UDDIN LASKAR @ JIAD HUSSAIN LASKAR
S/O MOINUL HOQUE LASKAR
VILL RANGAUTI PART-I

P.S. AND DIST. HAILAKANDI
ASSAM

3: BURHAN UDDIN LASKAR
S/O NIZAM UDDIN LASKAR
R/O HAILAKANDI TOWN WARD NO. 8
LAXMISAHAR
P.S. AND DIST. HAILAKANDI
ASSAM

4: ABDUL KARIM CHOUDHURY @ LATOI
S/O JAMIR UDDIN CHOUDHURY
VILL- NARAINPUR PART-III

P.S. AND DIST. HAILAKANDI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR. A H M R CHOUDHURY,

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

20.11.2024

1. Heard learned counsel Mr. A.H.M.R. Choudhury for the petitioners namely, (i) Abdul Salam Laskar, (ii) Rafique Uddin Laskar, (iii) Burhan Uddin Laskar, and (iv) Abdul Karim Choudhury.
2. The petitioners have filed this application under Section 482 of the BNSS, 2023 with prayer for pre-arrest bail as they are apprehending arrest in connection with Hailakandi Police Station Case No. 159/2024 registered under Sections 141/448/294/324/325/425/380 of the IPC.
3. Heard Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent State.
4. The allegation against the petitioners is that the petitioners have acted in an aggressive manner and on 30.06.2024, at about 8 a.m., assaulted the informant and his younger brother. The petitioner Nos. 1 & 2 attacked the informant and his younger brother with an intent to kill. The accused persons delivered a blow on the informants' head and while the informant tried to ward off the attack, he sustained fracture of his hand. The petitioners also snatched away gold

ornaments and ransacked the house and destroyed the rooms, walls and doors of the house of the informant.

5. It is submitted on behalf of the petitioners that a false case has been brought up against the petitioners. The petitioner Abdul Salam Laskar @ Monai has brought up a title suit against the informant's brother and this suit was decreed in favor of the petitioner No. 2. Annexure- 3 of the petition clearly reveals that possession of the land was handed over to the petitioner No. 2. Annexure-5 of the petition clearly reveals that the petition under Order-21, Rule-97 and 101 of the CPC was filed by the informant and his family members claiming right over the suit property which was filed on 11.06.2024, but this petition was not considered, and thereafter, on 30.06.2024, a false case was instituted against the petitioner.

6. I have considered the submissions at the Bar.

7. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioner.

8. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. At the same time, it cannot be ignored that there is a prevailing land dispute between both the parties. I have considered the submission that the petitioners have appeared before the Investigating Officer and have cooperated with the investigation. The petitioners

have not violated any bail conditions.

9. Thereby, the interim bail order dated 01.10.2024, is hereby made absolute under the same terms and conditions.

10. Send back the Case Diary.

JUDGE

Comparing Assistant