

GAHC010209122024



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

Case No. : AB/2704/2024

SUKUM UDDIN AND ANR
S/O JALAL UDDIN,
R/O 2 BALADMARI CHAR, P.S.GOALPARA,
DISTRICT GOALPARA, ASSAM

2: KERAMAT ALI

S/O HASEN ALI

R/O 2 BALADMARI CHAR
P.S.GOALPARA

DISTRICT GOALPARA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A AHMED, MR A AHMED,U U KHAN,MR. M A
CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

23-10-2024

Heard Mr. A. Ahmed, learned counsel for the petitioners and Mr. P. Borthakur, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under Section 482 of the BNSS, 2023, the petitioners, namely, **(1) Sukum Uddin**, son of Jalal Uddin and **(2) Keramat Ali**, son of Hasen Ali both resident of No.2 Baladmari Char under Goalpara Police Station of District – Goapara are seeking pre-arrest bail in **Goalpara P.S. Case No. 108/2024** registered under Section 305/3(5) of the BNS.

3) As per the FIR of the case, lodged by one Jahirul Islam on 09.8.2024 before the Officer-in-Charge of Goalpara Police Station stating that on the early morning of 09.08.2024 at around 01:30 am some unknown miscreants unauthorisedly entered into his cowshed by breaking the door and had stolen one ox and a cow.

4) While searching for the cows, he found cow dung in one goods carrier vehicle bearing Registration No. As-18-AC-5312 and on enquiry the accused persons, namely, Sagar Ali, Monowar Hussain and Sattar Ali of No. 1 Baladmari Char admitted their guilt and on being enquired from them, they admitted that they along with the present petitioners were involved in stealing of said ox and cow of the informant. Later on, on their submission, the ox of the informant was recovered from Goalpara Nayapara Eid Gah Field, but the cow of the informant is yet to be recovered.

4) Mr. P. Borthakur, learned Additional Public Prosecutor, Assam has placed the case diary before the Court today.

- 5)** From the case diary, it is seen that the arrested accused persons implicated the present petitioners with regard to their involvement in stealing cattle, particularly, ox and cows.
- 6)** From the case diary, it is also seen that police personnel from Goalpara Police Station made many attempts to nab the petitioners but they have evaded arrest and police have informed the family members of the present petitioners for their appearance before the concerned police station.
- 7)** As the case diary reveals sufficient incriminating materials against the petitioners with regard to their involvement in stealing of cattle in many other cases, including the present case, this Court is of the view that it is not a fit case to grant pre-arrest bail to the petitioners, named above, in said Goalpara P.S. Case No. 108/2024.
- 8)** Accordingly, this pre-arrest bail application of the petitioners in said Goalpara P.S. Case No. 108/2024 stands rejected.
- 9)** Return the case diary.

JUDGE

Comparing Assistant