

GAHC010213832024



2024:GAU-AS:11319

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

Case No. : AB/2736/2024

MD MATIAR RAHMAN
S/O SADHU MIAH, VILL- GAGAMARI, P.O.-KADONG, P.S.-BARPETA, DIST-
BARPETA, ASSAM, PIN-781314

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. J ABBAS, MS. H G DAS, I HOQUE, MS. B LASKAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

20.11.2024

Heard Mr. J Abbas, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under Section 482 BNSS, 2023 the petitioner, namely, **Md Matiar Rahman**, son of Sadhu Miah, resident of village-Gagamari, P.S.-Barpeta, District-Barpeta, has prayed for his pre-arrest bail in **Barpeta Police Station Case No.345/2024** registered under Section 25(1-A) of the Arms Act, 1959 read with

Sections 4/5 of the Explosive Substances Act, 1908.

3) As per the FIR dated 10.09.2024 lodged before the Officer-in-Charge of Barpeta Police Station by Sub Inspector of Police, the case is that on the night of 10.09.2024 at around 1:26 A.M, reliable information was received by the Officer-in-Charge of Barpeta Police Station that two persons, namely, Rakibul Islam, son of Majibar Rahman and Nurul Amin, son of Majibar Rahman, kept arms and ammunitions, concealing them in their house. Accordingly, Barpeta Police Station G.D. Entry No.56/24 dated-10.09.2024 was made and the complainant, along with the Officer-in-Charge and other police personnel of Barpeta Police Station, proceeded to Gagalmari to conduct search of illegal arms and ammunitions.

4) In presence of the independent witnesses at the place of occurrence, the house of Nurul Amin and Rakibul Islam were searched, following the due procedure and from the house of Nurul Amin, 3 (three) nos. of black colour polythene, one no. of blue colour plastic soap case, two nos. of handmade bomb (Sutli bomb), 3 (three) nos. of 7.62 mm live ammunition, one no. of detonator, approximately 100 gms of PEK (Plastic Explosive Kirke) and one no. of ammunition charger clip were recovered.

5) Perused the case diary that was called for by the Court vide order dated 08.10.2024.

6) From the case diary and the evidence so far collected by the concerned Investigating Officer of said Barpeta P.S. Case No.345/2024, it is seen that there are sufficient incriminating materials against the petitioner, namely, Md Matiar Rahman, with regard to his involvement in the alleged crime and that the petitioner and the arrested accused person are residing together in the same compound in two different houses.

7) Case diary also reveals that the independent witnesses have also implicated the petitioner regarding his involvement in the alleged crime.

8) Considering such incriminating materials in the case diary, the Court is of the view that it is not a fit case to grant pre-arrest bail to the petitioner, namely, **Md**

Matiar Rahman, in said Barpeta P.S. Case No.345/2024

9) For the reasons stated above, this pre-arrest bail application of the petitioner, named above, in said Barpeta P.S. Case No.345/2024 stands rejected.

10) Return the case diary herewith.

JUDGE

Comparing Assistant