

GAHC010217202024



2024:GAU-AS:12162

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

**Case No. : AB/2764/2024**

ABDUL KUDDUS MOLLAH @ ABDUL KUDDUS AND 2 ORS.  
S/O ABDUL RAFIQUE MOLLAH, VILL- ALOMGANJ PT(VI), P.O.-ALOMGANJ,  
P.S.-GAURIPUR, DIST- DHUBRI, ASSAM, PIN-783339

2: HAFIJUR MOLLAH  
S/O ABDUL RAFIQUE MOLLAH  
VILL- ALOMGANJ PT(VI)  
P.O.-ALOMGANJ  
P.S.-GAURIPUR  
DIST- DHUBRI  
ASSAM  
PIN-783339

3: NASIR MOLLAH  
S/O ABDUL RAFIQUE MOLLAH  
VILL- ALOMGANJ PT(VI)  
P.O.-ALOMGANJ  
P.S.-GAURIPUR  
DIST- DHUBRI  
ASSAM  
PIN-78333

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR Z HUSSAIN, MR. M HOQUE

**Advocate for the Respondent** : ,

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

**ORDER**

**02.12.2024**

1. Heard Mr. Z. Hussain, learned counsel for the petitioners namely, (i) Abdul Kuddus Mollah @Abdul Kuddus, (ii) Hafijur Mollah @Hazifur Rahaman, and (iii) Nasir Mollah @Nashir Uddin.
2. The petitioners have filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as they are apprehending arrest in connection with Gauripur P.S. Case No. 210/2024 corresponding to GR Case No. 856/2024 under Sections 61(1)/191(2)/191(3)/296/117(2)/118(2)109 of the BNS.
3. Heard Mr. B. Sharma, learned Additional Public Prosecutor, Assam for the respondent State.
4. The allegation against the petitioners is that on the fateful day, at around 5'O clock, the petitioners armed with dangerous weapons assaulted the informant and her family members causing grave injuries on Khalima Bibi, Abdul Baten Mollah, Nurul Mollah, Sujhen Bibi and Rabia Khatun. They were all shifted to the hospital to DMCH, Dhubri for treatment.
5. Learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioners.
6. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioners. However, I have considered the submission that there was a group clash and both the sides sustained injuries rather, Nasiruddin who is an accused in this case has sustained grievous injuries

on his head.

7. I have also considered the submission that the petitioners are willing to cooperate with the remaining part of investigation and to abide by any stringent bail conditions if imposed upon them. The petitioners are local residents and they are not flight risks.

8. The injured person Baten Mollah has sustained grievous injuries on his forearm and the injured person Khalima Bibi has sustained simple injuries.

9. Considering all aspects, petition is allowed. Meanwhile, in the interim, and in the event of their arrest, the petitioners shall be enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) each with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:

(i) The petitioners shall appear before the Investigating Officer on every fortnight and cooperate with of investigation,

(ii) The petitioners shall refrain from such activities with which they are alleged,

(iii) The petitioners shall appear before the Investigating Officer within 1 week, and

(iv) The petitioners shall not leave the jurisdiction of the Court without prior permission.

10. On breach of any of the bail conditions, the bail order shall stand automatically cancelled.
11. Send back both the Case Diaries.

**JUDGE**

**Comparing Assistant**