

GAHC010219312024



2024:GAU-AS:11693

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

Case No. : AB/2793/2024

SIRAJUL ISLAM AND ANR
S/O LATE SAYEDUR RAHMAN
R/O VILL- PACHIM SINGIMARI
P.O. SINGIMARI
P.S. RUPAHIHAT
DIST. NAGAON, ASSAM
PIN-782125

2: ABIDUR RAHMAN
S/O SIRAJUL ISLAM
R/O VILL- PACHIM SINGIMARI
P.O. SINGIMARI
P.S. RUPAHIHAT
DIST. NAGAON
ASSAM
PIN-782125

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR M H AHMED, I AMIN, MR. D M KHAN
Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

26.11.2024

Heard Mr M H Ahmed, learned counsel for the petitioners, 1) Sirajul Islam and 2)

Abidur Rahman, who 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 Rupahihat PS Case No. 155/2024, corresponding to GR Case No. 1503/2024, under Sections 191(2)/191(3)/190/329(4)/115(2)/103(2) of the BNS, 2023.

2. Heard Ms N Das, learned Additional Public Prosecutor appearing on behalf of the respondent/State.
3. The allegation against the petitioners is that on 01.07.2024, at about 09:00 pm, the petitioners along with the accused named in the FIR, assaulted the informant and other family members, including the informant's father. The informant's father succumbed to his injuries.
4. It is submitted on behalf of the petitioners that there are several miscreants who are involved in the incident and there is no specific allegation against the petitioners. No overt act has been attributed to the petitioners. The victim sustained only one single fatal injury and two persons cannot be blamed for causing a single fatal injury.
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.
7. Indeed, there are incriminating materials in the Case Diary against the petitioners.
8. I have considered the gravity of the offence.

9. It appears that at this juncture, investigation may be adversely affected if the petitioners are admitted to bail. I am constrained to reject the bail petition as there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioners at this stage.

10. Petition stands rejected at this stage.

11. Send back the Case Diary.

JUDGE

Comparing Assistant