

GAHC010219462024



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

Case No. : Bail Appln./3230/2024

RASHIDUL HOQUE FARAJI @ RASHIDUL HOQUE @ ROSHIDUL
SON OF - MD. AKTAR HUSSAIN @ AKTOR FARAJI, RESIDENT OF VILL -
PANDHUWA, P.O. - GORCHIGA, P.S. - NORTH LAKHIMPUR, DISTRICT -
LAKHIMPUR, (ASSAM) PIN - 787054

2: MD ASHRAFUL ISLAM

S/O - MD. SURMUJ ALI @ HARMUJ ALI RESIDENT OF VILL - UTTAR
MAHGHULI
P.O. - SALMORA TINIALI
P.S. - NORTH LAKHIMPUR
DISTRICT - LAKHIMPUR
(ASSAM) PIN - 787052

3: MD ABJANUR RAHMAN

SON OF - MD. HABIBUR RAHMAN
RESIDENT OF VILL - UTTAR MAHGHULI
P.O. - SALMORA TINIALI
P.S. - NORTH LAKHIMPUR
DISTRICT - LAKHIMPUR
(ASSAM) PIN - 78705

VERSUS

THE STATE OF ASSAM,
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR G CHAMUAH,

Advocate for the Respondent : PP, ASSAM,

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

ORDER

18.11.2024

1. Heard Mr. G. Chamuah, learned counsel for the petitioners namely, (i) Rashidul Hoque Faraji @ Rashidul Hoque A Roshidul, (ii) Md. Ashraful Islam, and (iii) Md. Abjanur Rahman.
2. The petitioners have filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as they are behind bars since 27.08.2024 in connection with North Lakhimpur P.S. Case No. 253/2024 under Sections 61(2)/316(2)/318(4)/127(2)/308(2)/308(4)/117(2)/109/310(2)/112 of the BNS.
3. Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.
4. The allegation against the present petitioners is that they in connivance with Jamir Khan and Rajubul Islam assaulted the informant and robbed Rs. 20,000/- from him along with one gold chain and two golden rings.
5. It is also alleged that the present petitioners are involved in selling fake gold.
6. Learned Additional Public Prosecutor has raised objection stating that there are incriminating materials in the Case Diary against the petitioner. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner.
7. However, I have considered the progress of investigation and the length of

detention. I have also considered the submission that the petitioners are willing to co-operate with the remaining part of investigation and they are willing to abide by any stringent bail conditions, if imposed upon them.

8. Considering all aspects, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with a suitable surety of like amount to the satisfaction of the learned CJM, Lakhimpur, North Lakhimpur under the conditions that:

- (i) The petitioners shall co-operate with the remaining part of investigation,
- (ii) The petitioners shall refrain from such activities with which they are alleged,
- (iii) The petitioners shall appear before the Investigating Officer on every fortnight till completion of investigation, and
- (iv) The petitioners shall not leave the jurisdiction of the Court without prior permission.

9. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

10. In terms of the above observation, bail application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant