

GAHC010223432024



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

Case No. : Bail Appln./3257/2024

RABBUL HUSSAIN AND ANR
S/O ABUL HUSSAIN
R/O WARD NO. 2, MANGALDAI TOWN,
P.O. AND P.S. MANGALDAI
DIST. DARRANG, ASSAM
PIN-784125

2: RAJIB RAHMAN
S/O ABDUL RAHMAN
R/O VILL- MORIKOLONG
DHEPAJAN
MUSALMANGAON
P.O.AND P.S. NAGAON
DIST. NAGAON
ASSAM
PIN-78210

VERSUS

THE STATE OF ASSAM,
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR. T ISLAM,MS K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA
ORDER

30.10.2024

Heard Mr. S Munir, learned counsel for the petitioners as well as Mr. R J Baruah, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 483 of the BNSS, 2023 by the petitioners, namely, Rabbul Hussain and Rajib Rahman, who were arrested in connection with Nagaon P.S. Case No. 1006/2024.

The informant has alleged that these two petitioners along with another person had a quarrel with her family and in that incident the mother of the informant was hit with a stone as a result of which she became unconscious.

The informant further alleged that her brother Mustafa Rahman was also attacked by another person in the said incident.

Mr. Baruah has submitted that the CT Scan Report shows that the injured did not sustain any fracture like injury. Further, from the Case Diary it reveals that no injury like haemorrhage was also available.

According to Mr. Baruah, the Case Diary reveals that on the issue of arranging a child marriage the entire incident took place.

On the other hand, Mr. Munir has submitted that the dispute is between the family members.

I have considered the submissions made by the learned counsel of both sides.

The petitioners have already undergone 19 [Nineteen] days in judicial custody. Therefore, at this stage, this court is of the opinion that the petitioners do not deserve to be detained in custody for further period of time. Therefore, the bail application is allowed.

Accordingly, it is directed that the petitioner Rabbul Hussain and Rajib Rahman, who were arrested in connection with Nagaon P.S. Case No. 1006/2024, shall be released on bail of Rs.20,000/- each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nagaon.

The bail application is disposed of.

Case Diary shall be returned.

JUDGE

Comparing Assistant