

GAHC010226342023



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

Case No. : AB/3485/2023

ROMIZA BIBI AND 2 ORS
W/O JAHIRUL HOSSAIN @ HOQUE
R/O VILL- JHASKAL PART-III ,P.S. AGOMANI,
DIST. DHUBRI, ASSAM,2: REJINA KHATUN
D/O JAHIRUL HOSSAIN @ HOQUE
R/O VILL- JHASKAL PART-III
P.S. AGOMANI,DIST. DHUBRI
ASSAM

3: JAHIRUL HOSSAIN @ HOQUE
S/O LT. BABUR ALI
R/O VILL- JHASKAL PART-III
P.S. AGOMANI ,DIST. DHUBRI, ASSA

VERSUS

THE STATE OF ASSAM ,REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M A ISLAM
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 13-03-2024

Heard Mr. M. A. Islam, learned counsel for the applicants and also heard Mr. R. J. Barua, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Agomoni P.S. Case No.98/2023, under

Sections 436/302/34 IPC, this application under Section 438 Cr. P. C. is preferred by the applicants namely, 1. Romiza Bibi, 2. Rejina Khatun and 3. Jahirul Hossain @ Hoque for grant of pre-arrest bail.

The above noted case has been registered on the basis of one FIR, lodged by one Osman Gani on 03.06.2023.

The essence of allegation made in the FIR is that on 02.06.2023, at about 12:30 p.m accused Rubul Hossain, Romiza Bibi, Rejina Khatun, Anamul Hoque, Feroza Bibi and Jahirul Hossain pick up quarrel with his daughter and assaulted her by fastening her hand and leg and thereafter poured kerosene on her person and set her ablaze. As result, she sustained serious injuries and she succumbed to the injuries while she was taken to Dhubri Medical College and Hospital.

Mr. Islam, learned counsel for the applicants submits that the applicants namely, Romiza Bibi and Rejina Khatun are the mother-in-law and sister-in-law of the deceased and Jahirul Hossain @ Hoque is the father-in-law of the deceased and that at the time of her death, the deceased left behind one baby of ten months old and except the applicant Nos.1 and 2, there is none to look after the child and though the husband of the deceased has already been granted pre-arrest bail, and he used to work at Shillong as Mason and on this ground this second application is preferred. Md. Islam further submits that they will appear before the learned Court below and they will face trial and therefore, they may be granted the privilege of pre-arrest bail.

Whereas, Mr. R. J. Baruah, referring to order dated 24.8.2023, in AB No.2595/2023, submits that after perusing the case diary, this Court was pleased to observe that the I.O. has collected sufficient incriminating materials

against the present applicants and also collected the dying declaration of the deceased wherein it has been clearly indicated the role played by the present applicant in commission of the offence and that the ground assigned for filing this second application appears to be not at all satisfactory and therefore, Mr. Barua, learned Addl. P.P. has contended to dismiss the petition.

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the order dated 24.8.2023, passed in AB No.2595/2023.

It appears that vide order dated 24.8.2023, this Court was pleased to dismiss the petition of the present applicants after perusing the case diary and having found sufficient incriminating materials against them. The second application is preferred only on the ground that the deceased left behind one small baby of ten months old and there is none to look after the baby. But, it appears that vide order dated 24.8.2023, the father of the baby has already been granted the privilege of pre-arrest bail and as such, the ground so assigned for filing the second application appears to be not at all sustainable. No other grounds has been canvassed before this Court and as such, this Court is of the view that this is not a fit case where the privileges of pre-arrest bail can be granted to the applicant and accordingly petition stands dismissed.

Case diary be returned.

JUDGE

Comparing Assistant