

GAHC010232842024



2024:GAU-AS:11875

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

Case No. : Bail Appln./3461/2024

ABDUR RAZZAK @ ABDUL RAZAK AND 3 ORS.
S/O HOSEN ALI
VILL- MAYERCHAR PART-VI,
P.O. NAYERALGA
P.S. BILASIPARA
DIST. DHUBRI, ASSAM
PIN-783348

2: SUKUR ALI @ SUKKUR ALI
S/O HASAN ALI @ HOSEN ALI
VILL- MAYERCHAR PART-VI

P.O. NAYERALGA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-783348

3: HABEZ ALI @ HABEJ ALI
S/O KADER ALI MISTRI
VILL- MAYERCHAR PART-VI

P.O. NAYERALGA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-783348

4: BADSHAH SK @ BASHA SHEIKH
S/O MAYJUDDIN SHEIKH
VILL- ALURBHUI

BONDIRGOLA
P.O. KOKRAJHAR

P.S. KOKRAJHAR
DIST. KOKRAJHAR
BTR
ASSAM
PIN- 78337

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M HUSSAIN, MR A.K. MOLLAH, MR. R I MONDAL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 29-11-2024

Heard Mr. M. Hussain, learned counsel for the petitioner Nos. 1. Abdur Razzak @ Abdul Razak, 2. Sukur Ali @ Sukkur Ali, 3. Habez Ali @ Habej Ali and 4. Badshah Sk @ Basha Sheikh, who have filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as they have been arrested on 23.10.2024 & 24.10.2024 in connection with Dispur Police Station Case No. 1080/2024 under Sections 310(2)/311 of Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioners is that they have committed dacoity from the informant's house robbing him of gold ornaments of Rs.5 Lacs and

cash of Rs.15,000/- (Rupees Fifteen Thousand). It is also alleged that the miscreants broke into the informant's house by removing the window and grill.

4. It is submitted on behalf of the petitioners that nothing has been recovered from the petitioners except one screw driver as the petitioner no. 1 is a driver of a 'rapido'.

5. Learned Additional Public Prosecutor has submitted that the petitioners have criminal antecedents.

6. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioners. At this juncture, there appears to no justified ground *to* extend the privilege of bail to the petitioners. Hence, petition stands rejected at this stage.

7. In terms of the above observation, this Bail Application stands disposed of.

9. Send back the Case Diary.

JUDGE

Comparing Assistant