

GAHC010234762024



2024:GAU-AS:11752

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

Case No. : Bail Appln./3410/2024

RAKIBUR RAHMAN AND ANR
S/O MOJIBUR RAHMAN, R/O VILL- BHOJKHOWA CHAPORI, P.S.-TEZPUR,
PIN-784001, DIST- SONITPUR, ASSAM

2: JALNUR AHMED
S/O SULTAN AHMED
R/O VILL- BATAMARI
P.S.-TEZPUR
PIN-784001
DIST- SONITPUR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR M RANA, MR M.HOQUE

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

27-11-2024

Heard Mr. M Rana, learned counsel for the petitioners and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

- 2.** By this application under Section 483 BNSS, 2023, the petitioners, namely, (i) **Rakibur Rahman**, son of Mojibur Rahman, resident of village-Bhojkhowa Chapori, P.S.-Tezpur, District-Sonitpur and (ii) **Jalnur Ahmed**, son of Sultan Ahmed, resident of village-Batamari, P.S.-Tezpur, District-Sonitpur are seeking bail in Tezpur Police Station Case No. 638/2024 registered under Sections 192/196(2)/298/299/302/3(5) of BNS read with Section 66E of the IT Act, corresponding to G.R. No. 1614/2024, wherein they were arrested on 30.10.2024.
- 3.** As per the FIR dated 29.10.2024, the case is that on receipt of information from Special Branch, Headquarter, Assam Police, an enquiry was conducted and during such enquiry it was found that the petitioners made a post in social media that went viral, whereby they projected the God and Goddess of a religious community in an inappropriate manner hurting the sentiments and feelings of the said religious community. The petitioners thereby not only outraged the religious feelings of the concerned religious community by insulting it and their religious belief, but also intentionally and knowing fully gave provocation to cause riots.
- 4.** After enquiring the matter, the said FIR was lodged by one Inspector of Police before the Officer-in-Charge of Tezpur Police Station, which was accordingly registered as Tezpur Police Station Case No. 638/2024 under Sections 192/196(2)/298/299/302/3(5) of BNS read with Section 66E of the IT Act, corresponding to G.R. No. 1614/2024.
- 5.** Police during investigation arrested both the petitioners on 30.10.2024 and produced them before the Court of the learned Chief Judicial Magistrate, Sonitpur, Tezpur on 01.11.2024.
- 6.** Perused the case diary placed before the Court today by Mr. B Sarma, learned APP, Assam and found deliberate and intentional uploading of post in social media lowering the God and Goddess of a religious community outraging their stature before the followers of the said religious community by provoking to cause riot among two religious communities.
- 7.** Considering such incriminating materials in the case diary regarding the involvement of the petitioners in the alleged crime, this Court is of the view that the period of detention of the petitioners since 30.10.2024 cannot be considered for their bail in said Tezpur Police Station Case No. 638/2024 at this stage.

8. Accordingly, this bail application of the petitioners, named above, in said Tezpur Police Station Case No. 638/2024 stands rejected.

9. Return the case diary.

JUDGE

Comparing Assistant