

GAHC010235042024



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

Case No. : AB/2957/2024

BILLAL UDDIN @ BILLAL HUSSAIN AND ANR
S/O LATE ABDUL SALAM,
R/O VILLAGE KANDHULIMARI, P.O.TARABARI, P.S.RUPALHAT, DISTRICT
NAGAON, ASSAM, PIN 782125

2: NURJAHAN NESA @ NURJAHAN BEGUM
W/O MAINUL HAQUE

R/O VILLAGE KANDHULIMARI
P.O.TARABARI
P.S.RUPALHAT
DISTRICT NAGAON
ASSAM
PIN 78212

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MOTIUR RAHMAN,

Advocate for the Respondent : PP, ASSAM,

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

ORDER

Date : 26.11.2024

Heard Mr. M. Rahman, learned counsel for the petitioners, namely, 1. Billal Uddin @ Billal Hussain and 2. Nurjahan Nesa @ Nurjahan Begum, who have filed this application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as they are apprehending arrest in connection with Rupahihat Police Station Case No. 278/2024 under Sections 61(1) (a)/118(2)/109/126(2) of Bharatiya Nyaya Sanhita, 2023 added Section 103(1) of Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the respondent State. The learned Additional Public Prosecutor has raised serious objections stating that there are incriminating materials in the Case Diary against the petitioners.

3. The allegations against the petitioners is that they have attacked the husband and son of the informant, Md. Ruhul Amin Choudhury and Ariful Hasan Choudhury respectively, with dangerous weapons. Both the injured persons were lying on the road and the public forwarded the victims for treatment but unfortunately, Md. Ruhul Amin Choudhury succumbed to his injuries.

4. I have scrutinized the Case Diary. It is seen that there are incriminating materials in the Case Dairy against the petitioners.

5. I have considered the gravity of the offence. It appears that investigation may be adversely affected if the petitioners are admitted to bail. Therefore, the petition with prayer for bail stands rejected at this juncture.

6. Accordingly, in term of the above, this Anticipatory Bail petition stands rejected at this stage.

7. Send back the Case Diary.

JUDGE

Comparing Assistant