

GAHC010235172024



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

Case No. : AB/2978/2024

SAHER ALI
S/O AHAMMAD ALI
R/O VILL DUMARADAH ARTHA KHANDA, P.S. GOLAKGANJ
SUB- DIVN.- DHUBRI, DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY LEARNED PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, A S CHOUDHURY, MR A W AMAN, MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 05.12.2024

Heard Mr. S. Das, learned counsel appearing for the petitioner and Mr. R.R. Kaushik, learned Additional Public Prosecutor appearing for the state of Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail to the petitioner, Saher Ali in respect of Gauripur P.S. Case No. 229/2024.

3. On 04.08.2024, the informant lodged an FIR before police alleging that on that day, the dead body of his son was found floating in the river Brahmaputra. The informant has alleged that 3 persons, namely, Sabed Ali, Johirul Islam and Saleban Bewra were involved in killing of his son.
4. Police arrested one person called Najir Hussain. From him, it was known that on the previous day, Najir Hussain and one of his brother Gutta and some other persons had a heated altercation with the deceased. The altercation was converted into a violent fight. The deceased had ran away from that place and jumped into the river.
5. The present petitioner Saher Ali is the brother of the arrested person. He apprehends that since this brother was arrested, he might also be arrested.
6. Case diary does not show incriminating materials against the present petitioner. Therefore, he does not deserve to be detained in custody.
7. The present arrest bail application of the petitioner is allowed.
8. It is hereby directed that in the event of arrest in connection with Gauripur P.S. Case No. 229/2024, the petitioner, Saher Ali shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the arresting authority.
9. The petitioner is directed to appear before the Investigating Officer within next 10 days from today.
10. With the aforesaid direction, the bail application stands disposed of.
The CD shall be returned.

JUDGE

Comparing Assistant