

GAHC010235842024



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

Case No. : Bail Appln./3468/2024

RUKAN UDDIN BARBHUIYA
S/O SALEH AHMED BARBHUIYA, VILLAGE- UTTAR KRISHNAPUR PT-II,
P.O. KANAKPUR, P.S. SILCHAR, DIST. CACHAR, ASSAM, PIN- 788006.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. P K DEKA, MS. N M LONGKENG, J MEDHI, MR. R. KARIM, MR. P DAIMARY

Advocate for the Respondent : PP, ASSAM, MR. A M S MAZUMDER

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 12/12/2024

Heard Mr. P.K. Deka, learned counsel appearing for the petitioner. Also heard Mr. D. Das, learned APP, Assam as well as Mr. A.M.S. Mazumdar, learned counsel for the informant.

This is an application under section 483 of the BNSS, 2023 whereby, the petitioner *Rukan Uddin Barbhuiya* has prayed for releasing him on bail. The petitioner was arrested in connection with Silchar PS Case No. 846/2024. The petitioner married late *Mahjabeen Laskar* on 23/03/2020. The marriage was performed according to the religious customs. Thereafter, she gave birth to 3 (three) girls. Her father has alleged in the FIR that for failure to give birth to a son, *Mahjabeen Laskar* was physically and mentally harassed by the family members of her husband as well as the husband

himself also.

On 17/09/2024 at about 10 a.m., the father of the petitioner informed the father of the deceased that his daughter was admitted at Silchar Medical College and Hospital. It was also informed that she had sustained a burn injury in the kitchen. Later on, *Mahjabeen Laskar* died in the hospital. Her father has suspected that the present petitioner being the husband of *Mahjabeen Laskar* and his family members are involved in the said offence.

The petitioner submits that his wife was a hot headed woman and she used to pick up quarrels with him and each of those occasions, she used to hurt herself.

Today, is the 86th day of detention of the petitioner in custody. The Case Diary has not been received till today.

I have considered the submissions made by the learned counsel for both the sides.

In the FIR also, the father of the deceased has stated that he suspected that the petitioner and his family members might be involved in the said incident. At this stage, since CD is not available, no opinion can be given to that effect. However, considering the period of detention already undergone by him and also considering the fact that till now no charge sheet has been filed, this Court is of the opinion that the petitioner no longer deserves to be retained in custody.

The bail application stands allowed. The accused *Rukan Uddin Barbhuiya* shall be released on bail on furnishing a bond of Rs. 35,000/- with one local surety to the satisfaction of the learned Chief Judicial Magistrate, Cachar, Silchar.

The bail application stands disposed of

JUDGE

sukhamay

Comparing Assistant