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

Case No. : AB/3069/2024

AFJAL HUSSAIN LASKAR @ ABJUR HUSSAIN LASKAR
S/O NAZAM UDDIN LASKAR
R/O BURNY BREAS TEA ESTATE, MOHANPUR, P.O. MOHANPUR, P.S.
ALGAPUR
DIST. HAILAKANDI, ASSAM
PIN-788150

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE PP, ASSAM

2:SAMSUL HAQUE CHOUDHURY
S/O LATE ASID ALI CHOUDHURY
R/O VILL- TAPANG PART-II
P.O. SRIKONA
PIN-788026
P.S. SILCHAR

DIST. CACHAR
ASSAM

3:NAZIMA BEGUM CHOUDHURY
D/O SAMSUL HAQUE CHOUDHURY
R/O VILL- TAPANG PART-II
P.O. SRIKONA
PIN-788026
P.S. SILCHAR

DIST. CACHAR
ASSA

Advocate for the Petitioner : MR. S D PURKAYASTHA, MS S.S.BORA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA
ORDER

Date : 13.12.2024

Heard Mr. S.D. Purkayastha, learned counsel appearing for the petitioner as well as Ms. N. Das, learned Additional P.P. for the State of Assam.

2. This is an application u/s 482 of the BNSS, 2023 praying for pre-arrest bail in respect of PRC Case No. 240/2023 pending in the court of the learned Sub-Divisional Judicial Magistrate, Cachar, Silchar.

3. The petitioner has been shown as an absconder in the charge-sheet under Sections 448/376/511 of the Indian Penal Code.

4. The learned counsel for the petitioner submits that there was a compromise between the petitioner and the informant, but he now apprehends that if he appears before the court of the learned Sub-Divisional Judicial Magistrate, Cachar, Silchar, he will be remanded to custody because this Court has no jurisdiction to entertain his bail application.

5. The learned counsel for the petitioner is interested in facing the trial.

6. I have considered the submissions made by the learned counsels of both sides.

7. Since the petitioner is interested in facing the trial, he should be given a chance to face the trial. Therefore, he does not deserve to be detained in custody. The prayer of the petitioner is allowed.

8. Accordingly, the petitioner, Afzal Hussain Laskar @ Abjur Hussain Laskar shall appear before the court of the learned Sub-Divisional Judicial Magistrate, Cachar, Silchar in respect of P.R.C. Case No. 240/2023. On his appearance, the petitioner Afzal Hussain Laskar @ Abjur Hussain Laskar shall be released on bail of Rs.20,000/- with a surety of like amount to the

satisfaction of the learned Sub-Divisional Judicial Magistrate, Cachar, Silchar.

With the aforesaid direction, the bail application stands disposed of.

JUDGE

Comparing Assistant