

GAHC010245762024



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

Case No. : Bail Appln./3547/2024

MUJIBUR RAHMAN
S/O- ABDUR SUBHAN,
R/O- MUSLIMPATTY CHARIALI, P.S-HOJAI, P.O-HOJAI, DIST- HOJAI,
ASSAM.
PIN-782435

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : TAWHID ALOM LASKAR, T A LASKAR,SAMIM RAHMAN,MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 18.12.2024

- 1.** Heard Mr. S. Nawaz, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional Public prosecutor for the State of Assam.
- 2.** This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, whereby the petitioner Mujibur Rahman has prayed for releasing him on bail after he was arrested in connection with Hojai Police Station

Case No.251/2024.

- 3.** On 21.08.2024, many people assaulted Farid Uddin on an allegation that he was caught red-handed by committing theft in a petrol pump. Subsequently a person called Aftar Hussain took Farid Uddin to the Hospital, where he breathed his last.
- 4.** His wife has alleged that there were grievous injuries upon the body of her husband. She has named many persons in the FIR as the perpetrator of the said offence, but the name of the present petitioner is not there in the list.
- 5.** Mr. Nawaz submits that the petitioner is present at the place of occurrence, but he did not take part in the said offence. According to Mr. Nawaz, he was just a witness to the offence.
- 6.** The learned Additional Public Prosecutor has submitted that the petitioner was present at the place of occurrence and that is the only element against him.
- 7.** I have considered the submissions made by learned counsel for both the sides.
- 8.** The petitioner has already spent 64 days in Judicial Custody.
- 9.** This Court is of the opinion that under the given circumstances the petitioner does not deserve to be detained in custody.
- 10.** Therefore, the bail application is allowed.
- 11.** It is hereby directed that in the event of arrest in connection with Hojai Police Station Case No.251/2024 the petitioner Mujibur Rahman shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Hojai, Sankardev Nagar.
- 12.** Case Diary shall be returned.
- 13.** The bail application stands disposed of.

JUDGE

Comparing Assistant