

GAHC010259312023



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

Case No. : AB/3974/2023

ANSAR AHMED BARBHUIYA AND ANR
SON OF- GIAS UDDIN BARBHUIYA, RESIDENT OF VILL.- CHANDRAPUR
PART-III, P.S. LAKHIPUR, DISTRICT- CACHAR, ASSAM

2: MD. JASHIM UDDIN BARBHUIYA
SON OF- ABDUL MANNAN BARBHUIYA
RESIDENT OF VILL.- CHANDRAPUR PART-III
P.S. LAKHIPUR
DISTRICT- CACHAR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
ORDER

25.04.2024

Heard learned counsel for the parties.

By this second bail application under Section 438 Cr.P.C., the petitioners, Ansar

Ahmed Barbhuiya and Md. Jashim Uddin Barbhuiya are praying anticipatory bail in connection with Lakhipur PS case No. 158/2023 corresponding GR case No. 198/2023 under Section 302/34 IPC.

This court earlier vide order dated 16.10.2023 passed in AB 3366/2023 had rejected the anticipatory bail application filed by the aforesaid petitioners after perusal of the case diary having found sufficient incriminating material against the petitioners.

Case diary as called for has been received.

Perused the material available on record including the case diary produced the learned Additional Public Prosecutor.

Considering the serious nature of offences and incriminating materials available against the petitioners in the case diary, this court is of the considered opinion that this is not a fit case for granting privilege of pre-arrest bail to the petitioners and therefore the application for granting anticipatory bail to the petitioners stands rejected inasmuch as the petitioner has failed to bring record any new cogent ground to grant him the privilege of anticipatory bail.

Accordingly, bail application stands dismissed.

JUDGE

Comparing Assistant