

GAHC010261182024



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

Case No. : AB/3252/2024

NAHARUL ISLAM BARBHUIYA AND 5 ORS.
S/O LT. MOIN UDDIN BARBHUIYA, VILL- VICHINGCHA-I, P.O.-
VICHINGCHA, P.S.-HAILAKANDI, DIST- HAILAKANDI, ASSAM

2: KHAIRUL ISLAM BARBHUIYA
S/O LT. MOIN UDDIN BARBHUIYA
VILL- BORBOND PART 1
P.O.- BORBOND PART 1
P.S. AND DIST- HAILAKANDI
ASSAM

3: FAKRUL ISLAM BARBHUIYA
S/O LT. MOIN UDDIN BARBHUIYA
VILL- BORBOND PART 1
P.O.- BORBOND PART 1
P.S. AND DIST- HAILAKANDI
ASSAM

4: AMIRUN NESSA
W/O LT. MOIN UDDIN BARBHUIYA
VILL- BORBOND PART 1
P.O.- BORBOND PART 1
P.S. AND DIST- HAILAKANDI
ASSAM

5: MOMTAZ BEGUM BARBHUIYA
W/O WAIZ UDDIN BARBHUIYA
VILL- BORBOND PART 1
P.O.- BORBOND PART 1
P.S. AND DIST- HAILAKANDI
ASSAM

6: SAHANAZ PARBIN BARBHUIYA
W/O NAHARUL ISLAM BARBHUIYA

VILL- VICHINGCHA-I
P.O.-VICHINGCHA
P.S.-HAILAKANDI
DIST- HAILAKANDI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A M BARBHUIYA, S. M. ZINNA,MS A BEGUM,MS S R MAZARBHUIYA

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

17.12.2024

Heard the learned counsel Mr. A.M. Barbhuiya appearing for the petitioners. Also heard Mr. R.R. Kaushik, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of Hailakandi P.S. Case No.287/2024, registered under Sections 329(4)/115(2)/74/84/3(5) of BNS, 2023.

3. The wife has lodged an FIR against her husband and his family members alleging that while she became pregnant, her husband wanted her pregnancy to terminate. On that issue, they had quarrels. She alleges that she was also beaten up to cause termination of her pregnancy.

4. The case records shows that on an earlier occasion, she had filed a case against her husband and family members and the case ended in acquittal of all the accused persons.
5. Thereafter, the husband filed a complaint case against the informant/wife alleging that she had stolen a huge amount of money from him.
6. According to Mr. Barbhuiya, the present FIR was lodged as a counterblast to the aforesaid complaint.
7. I have considered the submissions made by the learned counsel of both sides.
8. It is the dispute between the husband and wife wherein the family members of the husband are also roped.
9. This Court is of the opinion that for the allegation brought against the present petitioners, they do not deserve to be detained in custody. Accordingly, the pre-arrest bail application of the petitioners is allowed.
10. It is hereby directed that in the event of arrest in connection with Hailakandi P.S. Case No.287/2024, registered under Sections 329(4)/115(2)/74/84/3(5) of BNS, 2023, the petitioners, namely- (1) Naharul Islam Barbhuiya, (2) Khairul Islam Barbhuiya, (3) Fakrul Islam Barbhuiya, (4) Amirun Nessa, (5) Momtaz Begum Barbhuiya and (6) Sahanaz Parbin Barbhuiya, they shall be released on bail of ₹20,000/- with sureties of like amount to the satisfaction of arresting authority.
11. The aforesaid petitioners shall appear before the Investigating Officer within next 10(ten) days from today. They are also directed to co-operate with police investigation.

With the above direction, the application for bail is disposed of.

JUDGE

Comparing Assistant