

GAHC010292492023



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

Case No. : AB/4362/2023

MD AYNUL HOQUE AND 4 ORS
S/O IBRAHIM ALI
VILL- BARUAJHAR
P.S. DALGAON
DIST. DARRANG, ASSAM
PIN-784514

2: MD. KHAIRUL ISLAM
S/O IBRAHIM ALI
VILL- BARUAJHAR
P.S. DALGAON
DIST. DARRANG
ASSAM
PIN-784514

3: ABU BAKKAR SIDDIQUE
S/O IBRAHIM ALI
VILL- BARUAJHAR
P.S. DALGAON
DIST. DARRANG
ASSAM
PIN-784514

4: ABU SALEH MOHD. REJAUL KARIM
S/O IBRAHIM ALI
VILL- BARUAJHAR
P.S. DALGAON
DIST. DARRANG
ASSAM
PIN-784514

5: IMRAN HUSSAIN
S/O IBRAHIM ALI
VILL- BARUAJHAR

P.S. DALGAON
DIST. DARRANG
ASSAM
PIN-78451

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 07.02.2024

Heard Mr. HRA Choudhury, learned Senior counsel, assisted by Mr. A.M. Ahmed, learned counsel for the petitioners and Mr. P. Borthakur, learned Addl. Public Prosecutor, appearing on behalf of the State respondent.

This is an application under Section 438 Cr.P.C., filed by the petitioners, 1. Md. Aynul Hoque, 2. Md. Khairul Islam, 3. Abu Bakkar Siddique, 4. Abu Saleh Mohd. Rejaul Karim and 5. Imran Hussain, praying for pre- arrest bail who are apprehending arrest in connection with Dalgaon P.S. Case No. 405/2023 under Sections 147/ 148/ 149/ 447/ 325/ 326/ 307/ 379/ 427 IPC.

Case diary is received and peruse.

Heard both sides.

It is submitted by Mr. HRA Choudhury, the learned Senior counsel for the petitioners that pursuant to the order dated 22.12.2023, the petitioners were on interim bail and they have appeared before the I.O., their statements have been recorded under Section 161 CrPC. He further admits that there was a land dispute between the parties for which some

altercations and scuffles took place and both the parties have lodged FIR and counter FIR. He further submits that now, the petitioners are ready and willing to cooperate with the investigation, if they are granted the privilege of pre-arrest bail.

In this Context, Mr. P. Borthakur, learned Addl. PP has submitted that the petitioners have appeared before the I.O. and their statement have been recorded. More so, as per medical report, it reflects that the injury sustained by the victim stated to be minor injury.

Considering the submissions of the learned counsel for the parties and the matters in its entirety, I find it to be a fit case to extend the benefit of pre-arrest bail to the petitioners.

In view of the above, interim order dated 22.12.2023 is hereby made absolute subject to the conditions contained in the interim order itself.

With the above directions and observation, the bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant