

HIGH COURT OF TRIPURA
AGARTALA

A.B. No.67 of 2025

- 1. **Sahid Miah (18)**
S/O Anoar Hossain,
- 2. **Md. Fayajul Rahaman (27)**
S/O Md. Abul Nachar,
- 3. **Amir Hossain (23)**
S/O Aminul Haque
- 4. **Tajul Islam (21)**
S/O Safique Miah
- 5. **Sahadul Alam (41)**
S/O Abu Kalam
- 6. **Jaydul Hossain (25)**
S/O Anuar Hossain

All are residents of Durga Nagar, Krishna Kishore Nagar,
Bishalgarh, PS: Bishalgarh, Dist.: Sepahijala, Tripura, Pin: 799102

----- Accused-Applicant

Versus

The State of Tripura

-----Respondent(s)

For Applicant(s)	:	Mr. Siraj Ali, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

19/09/2025

Heard Learned Counsel, Mr. Siraj Ali appearing on behalf of the accused-applicants and also heard, Learned P.P. Mr. Raju Datta appearing on behalf of the State-respondent.

This pre-arrest bail application under Section 482 of BNSS, 2023 is filed for granting pre-arrest bail to the accused-applicants namely 1.Sahid Miah, S/O Anoar Hossain, 2.Md. Fayajul Rahaman, S/O Abul Nachar, 3.Amir Hossain, S/O Aminul Haque, 4.Tajul Islam, S/O Safique Miah, 5.Sahadul Alam, S/O Abu Kalam, 6.Jaydul Hossain, S/O Anuar Hossain in connection with Bishalgarh PS case No.54 of 2025 for the offence punishable under Section

126/117(2)/281/125B/105/351/74/61(2)/103/3(5) of BNS Act, 2023 and Section 184/187 of MV Act.

As ordered earlier, this Court has received the record from the Learned Trial Court and also, Learned P.P. has produced the Case Diary.

At the time of hearing, Learned Counsel appearing for the accused-applicants, Mr. Siraj Ali first of all drawn the attention of the Court referring the contents of the FIR and submitted that one of the accused namely Tapajjul Hossain although was taken into custody in connection with this case and produced before the Court of Learned Jurisdictional Magistrate on 10.07.2025 but he was later on granted bail by Learned Addl. Sessions Judge, Bishalgarh by order dated 31.07.2025 in connection with B.A. No.23 of 2025. Learned Counsel further submitted that this present accused-applicants have been falsely implicated in this case and there is no material against them showing their implication with the alleged offence and furthermore, the principal accused Faruk Miah is not the applicant of this instant bail application although in course of investigation IO could collect some materials showing his implication with the alleged offence which reveals from the forwarding report of IO dated 10.07.2025 and subsequent forwarding report dated 23.07.2025. So, considering the materials on record, Learned Counsel Mr. Siraj Ali urged before this Court to grant pre-arrest bail to the accused-applicants in any condition.

On the other hand, Learned P.P. Mr. Raju Datta appearing on behalf of the State-respondent strongly opposed the

pre-arrest bail application filed by the accused-applicants and submitted that there is strong materials against all the accused-applicants and referring the forwarding report dated 23.07.2025 submitted by IO, Learned P.P. drawn the attention of the Court that there are/were sufficient incriminating materials against the principal accused namely Faruk Miah and the present accused-applicants and as such, considering the materials on record at this stage there is no scope to grant the concession of pre-arrest bail to them. Learned P.P. further submitted that since the investigation is going on and by this time the IO has recorded the statement of some of the material witnesses of this case, so, considering the nature of evidence so far collected by IO this pre-arrest bail application needs to be rejected. In support of his contention, Learned P.P. relied upon one order dated 25.07.2025 passed by this Court in connection with B.A. No.23 of 2025 and another order dated 11.09.2025 passed by this Court in connection with A.B. No.66 of 2025 and submitted that considering the nature and gravity of the offence at this stage there is no scope to consider the bail application filed by the present accused-applicants.

To counter the submission, Learned Counsel Mr. Siraj Ali appearing on behalf of the accused-applicants referring the contents of the FIR submitted that in the FIR the informant did not submit anything that the accused-applicants assaulted him but later on to strengthen the case the IO has added/manufactured some new story which has got no relevance with the present

prosecution and urged before this Court for taking note of the same at the time of consideration of bail application.

In the case at hand, the prosecution was set into motion on the basis of an FIR laid by one Halim Miah to O/C, Bishalgarh PS alleging inter alia that on 19.06.2025 in the night at about 7:45 pm when he was sitting in the grocery shop of one Kanu Miah, that time he noticed that near Ganiyamara Bazar on Ratan Nagar main road two unknown people by riding one motorcycle were coming from the side of Bishalgarh, Durga Nagar, that time from the opposite side another motorcycle bearing No.TR07-D-5425, (Bajaj Pulsar 220 CC), being driven by Tapajjal Hossain was proceeding towards Durga Nagar, when some hot altercation took place in between said Tapajjal Hossain and the rider of those motorcycle which was coming from Bishalgarh, Durganagar side regarding Dimmer light of motor cycle and that time, those riders started assaulting Tapajjal Hossain and Tapajjal Hossain made phone call when by riding one Maruti Suzuki Swift bearing No.TR07E0682 few persons namely Faruk Miah, Tapajjal Hossain, Suman Miah, Sahid Miah, Ripan Miah, Asif Miah, Joydul Hossain, Meru Miah, Ujjol Hossain, Faizul Miah came and started assaulting and due to physical assault Tapajjal Hossain fell down on the road and sustained injuries. That time, the informant and the neighbouring persons appeared therein when Tapajjal fled away and at the time of fleeing away the said vehicle was driven by one Faruk Miah and due to rash and negligent driving dashed against his sister, husband of his sister and rushed away resulting which his sister, his brother-in-law and two others sustained

bleeding injury and immediately they were shifted to Bishalgarh Sub Division Hospital and from where they were shifted to TMC Hapania Hospital for better treatment and at TMC Hapania Hospital his brother-in-law namely Rajjak Miah succumbed to his injuries. Hence, he laid the FIR.

On the basis of FIR, Bishalgarh PS case No.54/2025 under Section 126/117(2)/281/125(B)/105/351 of BNS read with Section 184/187 of MV Act was registered. During investigation, the IO caused arrest of accused Tapajjul Hossein and forwarded him before the Court on 10.07.2025. The IO also made another prayer for adding Section 74/61(2)/103/3(5) of BNS in the instant case. Accordingly, the same was also allowed. In course of investigation, Learned Jurisdiction Magistrate also recorded the statement of Saloara Begam, Jannat Hossain and Alamin Hossain. The IO by this time has recorded the statement of the informant and some other material witnesses who are conversant with the facts and circumstances of the case.

At the time of hearing, Learned P.P. drawn the attention of the Court that the ejahar laid by one Alamin Hossain, S/O Rajjak Miah against Tapajjul Hossain, Faruk Hossain and eight others was entered in Bishalgarh PS GDE No.30 dated 24.06.2025. The investigation of the case is in progress and the case is at the very initial stage. So, at this stage there is no scope to give any observation regarding fate of the case.

I have heard both the sides and perused the citations. The citations as referred by Learned Counsel for the accused-applicants at this stage are not relevant for decision of this case.

However, after careful perusal of the Case Diary, it appears to this Court that there are sufficient materials against the accused-applicants namely Sahid Miah, Fayajul Rahaman, Jaydul Hossain showing their implication with the alleged offence but on perusal of the materials so far collected by IO upto this stage of investigation I do not find sufficient materials against accused-applicants Amir Hossain, Tajul Islam and Sahadul Alam. So, considering the materials on record, I am inclined to consider bail application in respect of said three accused-applicants Amir Hossain, Tajul Islam and Sahadul Alam. In the event of their arrest, they may be released on bail of their execution of bond of Rs.50,000/- with one surety of like amount to the satisfaction of O/C, Bishalgarh PS with the following terms and conditions:

- i) That the said accused-applicants shall make themselves available before IO as and when called for for the sake of investigation.
- ii) That the said accused-applicants shall not make any attempt to tamper/threaten any witness(es) of the prosecution.
- iii) That the said accused-applicants shall not leave the jurisdiction of the O/C of the concerned PS without prior permission from O/C of the concerned PS.

In the event of violation of the conditions of the bail, the IO shall be at liberty to approach to the competent Court for cancellation of bail granted to the said accused-applicants.

However, the bail application in respect of rest three accused applicants namely Sahid Miah, Fayajul Rahaman, Joydul Hossain accordingly stands rejected.

With this observation, this present anticipatory bail application stands disposed of.

A copy of this order be supplied to Learned Counsel for the accused-applicants for information and compliance.

Send down the record of Learned Trial Court along with a copy of this order.

Return back the Case Diary to IO through Learned P.P. along with a copy of this order.

JUDGE

