



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB. No. 18 of 2025

Date of Decision: 29.08.2025

1. Shri. Abu Taher, S/o Shri. Fulbahar Sk,
R/o Morasuti, P.O. New Bhaitbari, P.S. Rajabala,
West Garo Hills District, Meghalaya.
2. Shri. Gole Hussain, S/o (L) Nur Hussain,
R/o Morasuti, P.O. New Bhaitbari, P.S. Rajabala,
West Garo Hills District, Meghalaya.
3. Shri. Soyod Ali, S/o (L) Nur Bokto,
R/o Morasuti, P.O. New Bhaitbari, P.S. Rajabala,
West Garo Hills District, Meghalaya.

..... **Petitioners**

- Vs-

State of Meghalaya
Represented by the Learned Public Prosecutor.

..... **Respondent**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Mr. S.A. Sheikh, Adv. Mr. M.R. Marak, Adv.
For the Respondent(s)	:	Mr. S. Sengupta, Addl. PP. Mr. H. Kharmih, Addl. PP.

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| i) Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) Whether approved for publication | |



in press:

Yes/No

JUDGMENT AND ORDER (ORAL)

1. Heard Mr. S.A. Sheikh, learned counsel for the petitioners, who has submitted that one person by the name of Shri. Aminul Islam, a resident of Morasuti, West Garo Hills District, is said to be involved in various offences like, theft, burglary, assault, etc., since he is known to be addicted to drugs, for which several FIRs have been registered against him for his involvement in anti-social activities.

2. It is also the submission of the learned counsel that the father of the petitioner No. 1, Shri. Fulbahar Sk of the same village, had reprimanded him for such activities, and has encouraged him to lead a decent life. However, the said Shri. Aminul Islam, being offended by such advice, had attempted to cause bodily harm to Shri. Fulbahar Sk, who is incidentally also the Secretary of the VDP of the village. This incident took place on 20.06.2025 at about 7:45 PM, and it was only on the intervention of Shri. Moksedul Kazi that Shri. Fulbahar Sk was saved. In this regard, Shri. Fulbahar Sk had lodged an FIR on 21.06.2025 against the said assailant.

3. Again, being infuriated by the lodgment of such FIR, Shri. Aminul Islam had, on 21.06.2025 laid in wait for Shri. Fulbahar Sk at a shop near the Mosque, and when Shri. Fulbahar Sk came out, he was attacked by



Shri. Aminul Islam with a Dao resulting in grievous head injuries, for which he was immediately taken to Bhaitbari CHC for medical treatment. This incident happened between 4:15 PM to 4:30 PM. Immediately, on coming to learn of the assault on Shri. Fulbahar Sk, his sons and relatives got agitated and went looking for the said Aminul Islam, who was then at the house of one Shri. Moklesur Rahman. Since then, a number of people gathered around the said house, and at that point of time, a police party from Rajabala came to defuse the situation, and in that process, they took Shri. Aminul Islam to escort him from that house. While walking on the road, some of the relatives of Shri. Fulbahar Sk and others assaulted Shri. Aminul Islam by raining lathi blows on him, as a result of which, he sustained grievous injuries and died on the spot. In this regard, an FIR was lodged by the relatives of the deceased on 22.06.2025, and the same was registered as Rajabala P.S. Case No. 15 of 2025 under Section 103(2) BNS.

4. In course of investigation, three of the persons who have allegedly assaulted the deceased, have surrendered before the police and the police are now on the lookout for others, who are said to be involved in the incident. It is the further submission of the learned counsel that the petitioners are not involved in the said incident, when actually they were present with Shri. Fulbahar Sk, who was at that point of time being treated at Bhaitbari CHC. As such, the petitioners herein being relatives of Shri.



Fulbahar Sk apprehending imminent arrest in connection with the said case, have approached this Court with a prayer for grant of anticipatory bail. However, if granted bail, the petitioners are willing to cooperate with the investigation or to abide by any conditions to be imposed by this Court.

5. Per contra, Mr. S. Sengupta, learned Addl. PP appearing on behalf of the State respondent has submitted that the fact that it was a case of mob violence and lynching of the deceased Shri. Aminul Islam, cannot be denied, and also the fact that several of the attackers who have assaulted the said deceased, are also relatives of Shri. Fulbahar Sk is also a fact. It is also submitted that the case being serious in nature, it would be, but proper for the investigation to be allowed to be carried out by the Investigating Officer without any hindrance to the said process.

6. The learned Addl. PP further submits that the petitioners herein have also previously approached the learned Sessions Judge, West Garo Hills, Tura with similar prayer for grant of anticipatory bail, however, the learned Sessions Judge vide order dated 23.07.2025, had rejected their prayer, observing that there is prima facie case against the petitioners as there are eye witnesses, who have seen them attacking the deceased with lathi, dao and dagger, and such weapons of assault having been seized by the police, the case being very serious in nature, therefore, the prayer for grant of



anticipatory bail was rejected. He also submits that the situation has not changed and that as has been submitted, investigation is underway.

7. It is also the submission of the learned Addl. PP that many of the witnesses have testified to the fact that the said incident has actually occurred, and that the deceased was killed as a result of mob violence.

8. The learned Addl. PP has led this Court to the statement of one Shri. Mokul Islam, who in his narration of the incident before the police which was recorded in the case diary, had stated the fact of the case as has been mentioned hereinabove. The said Mokul Islam has also narrated his role in the said episode by stating that he was actually the first person to have attacked the deceased with a lathi when the police had brought him (Shri. Aminul Isam) from the house of Shri. Moklesur Rahman. He has further named a few persons who according to him, have also assaulted the deceased and that this person (Shri. Mokul Islam) have since surrendered before the police in connection with the said case. Accordingly, the learned Addl. PP submits that, in view of the serious allegation made and the nature of gravity of the offence committed, the role of the petitioners herein being required to be further investigated, therefore, at this point of time, it is prayed that this petition is devoid of merits and the same is liable to be dismissed.

9. This Court has considered the submission made by the parties,



the facts as stated above need not be repeated, suffice it to say that this is a case of mob violence, in which the deceased Shri. Aminul Islam was assaulted by a number of persons, as a result of which he sustained severe injuries at the place of occurrence. In this regard, as has been pointed out, an FIR was lodged and a police case was registered.

10. It has been submitted at the bar that three persons including Shri. Mokul Islam have since surrendered themselves before the police and were arrested in connection with the said case.

11. According to the learned counsel for the petitioners, there are about 500 persons present at the place of occurrence at the time when the said incident occurred. Though, only a few persons have been named to have been actually involved in the said incident, the role of others including the petitioners herein has to be ascertained so as to know their involvement and complicity in the matter.

12. At this point of time, there is no direct evidence as to whether the petitioners herein were present at the place of occurrence, or for that matter, they had a part in the said assault of the victim. Accordingly, on this ground alone, this Court is inclined to give them the benefit of doubt, prima facie.

13. The fact that they are apprehending arrest, is also apparent in view of the facts and situation as has been indicated hereinabove.



Accordingly, the prayer made in this application is hereby allowed.

14. In the event of their arrest, the petitioners are directed to be released on bail on the following conditions:

- i) That they shall not abscond or tamper with the evidence and witnesses;
- ii) That they shall appear before the Investigating Officer as and when required;
- iii) That they shall not leave the jurisdiction of the State of Meghalaya without prior permission of the Trial Court; and
- iv) That they shall bind themselves on a personal bond of ₹ 50,000/- (Rupees fifty thousand) each with one surety of like amount to the satisfaction of the Trial Court.

15. In view of the above noted observations, this application is disposed of accordingly. No costs.

Judge