GAHC010079082026

2026:GAU-AS:9034

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

Case No. : AB/885/2026

NAZMUL HOQUE ALIAS NAJMUL HAQUE AND ANR
S/O LATE ABED ALI VILL- NO. 5 BARUAJHAR
P.S. DALGAON,DIST. DARRANG, ASSAM.

2: TAFAZZAL HAQUE
S/O AHAD ALI
VILL- SARISABARI
P.S. DALGAON
DIST. DARRANG
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR M H AHMED,

Advocate for the Respondent : PP, ASSAM, MR. J UDDIN(INFORMANT)

-BEFORE-

HON'BLE MR. JUSTICE PRANJAL DAS

ORDER

22.06.2026

Heard Mr. M.H Ahmed, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Addl. P.P appearing for the State and

Mr. M. Ali, learned counsel for the respondent No. 2/informant.

This is an application under Section 482 BNSS, 2023 praying for granting anticipatory bail to the accused/petitioners, namely, Nazmul Hoque @ Najmul Haque and Tafazzal Haque, who are apprehending arrest in connection with Dalgaon Case No. 41/2026 under Section 103(1) /118(2)/190 / 191(2)/324(4)/329(3) BNS.

The gist of the allegations in the FIR is assault by a group of persons leading to injuries and death of the father of the informant. It appears that a cross-case was also registered in connection with the incident, being Dalgaon P.S. Case No.47/2026.

Mr. M.H. Ahmed, learned counsel for the petitioners submits that earlier bail petition was rejected on 06.04.2026 in AB 591/2026 and in the intervening period till date, there might have been further progress in investigation and seeks bail at this stage. He submits a copy of the relevant order and it is submitted that Takdir Ali, accused in the cross case was granted pre-arrest bail by this Court on 02.06.2026 in AB 875/2026 in the context of completion of investigation in that cross-case.

It is fairly submitted by the learned Addl. P.P. that there has been substantial progress in the investigation, though the same is not complete.

Mr. Ali, learned counsel for the informant submits that the informant's side opposes the grant of bail, as the incident took place in a pre-planned manner and the informant's father was killed in the incident.

The case diary has been placed before this Court.

This is no doubt that the nature of the allegations is of serious nature; though the learned counsel for the petitioner also contends that the present petitioners have been roped in and that the main accused persons have already been arrested and are in custody.

Considering the progress of investigation and the fact that the present petitioners have not been arrested till date - I am of the considered view that perhaps the remaining investigation may not be compromised, if they are granted bail, now, subject to suitable conditions.

In such view of the matter, it is directed that in the event of arrest of the petitioners in connection with this case, the petitioner shall be allowed to go on bail of Rs. 50,000/- each with a surety of the like amount each to the satisfaction of the arresting authority. However, the following conditions are imposed.

(i) They shall cooperate with the remaining investigation and shall appear before the IO for recording statements.

(ii) They shall not hamper or tamper with evidence. They shall not in any manner harass, harm, or intimidate the informant side or try to influence any witnesses.

Violation of the bail conditions will entail cancellation of the bail.

Return the case diary.

Bail petition stands disposed.

JUDGE

Comparing Assistant