GAHC010139292026

2026:GAU-AS:10490

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

Case No. : AB/1523/2026

AMINUL HOQUE AND ANR
S/O SHAHJAHAN ALI
R/O VILLAGE NO. 1 PAKA BETBARI, POST OFFICE BARPETA, POLICE STATION BARPETA, DISTRICT BARPETA, ASSAM, PIN- 781352

2: ABDUL HALIM @ HALIM UDDIN
S/O LATE HOZRAT ALI
R/O VILLAGE NO. 1 PAKA BETBARI
POST OFFICE BARPETA
POLICE STATION BARPETA
DISTRICT BARPETA
ASSAM
PIN- 78135

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A HUSSAIN, MR. K M HASSAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 30.07.2026

Heard Mr. A. Hussain, learned counsel for the petitioners. Also heard Mr.

K.K. Parashar, learned Additional Public Prosecutor appearing for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023 whereby the petitioners, namely, 1. Aminul Hoque and 2. Abdul Halim @ Halim Uddin are seeking Anticipatory Bail apprehending arrest in connection with an FIR, which is registered as Barpeta Police Case No. 196/2026 registered under Sections 191(2)/191(3)/190/324(4)/115(2)/117(2)/118(2)/109(1)/76/74 of BNS, 2023.

3. The brief of the case is that on 06.06.2026 at 11:28 p.m the complainant, Anowara Hegum, W/O- Refaz Uddin, Viltags-Paka Deibari, P/S-Bayeu. District-Darpesa lodged an FIR against the accused 1) Shahjahan Ali, S/O-Late Lokman Ali, 23 Aminul Haque, 5/0- Shahjahan Ali, 3) Samsul Haque, S/O Late Vachin Ali, 4) Ibrahim Ali, S/O-Late Yachin Ali, 5) liarul Haque, 5/0-Lane Yachin Ali, 6) Nurul Bhuyla. SO-Late Fazal Bloyia, 7) Babumur Ali, S/O Shahjahan Ali, 8) Abdul Haliin, 5/0-Late Harrut Ali, 9) Aminul Islam, S/O-Halim Uddin 10) Saddam Husain, S/O-Unknown 11) Anowara Begum, W/O- Samsul Haque, All are residents of - Paku Bethuri, Moura - Berturi Police Surtion Barpeta, District - Barpeta (Assam), to the effect that on June 02, 2026, at around 6:13 AM, the accused individuals, armed with lethal weapons including machetes (daos), iron crowbars, and sticks, criminally trespassed into the land possessed by the complainant's brother-in-law, where they forcefully chopped down the bamboo crop-fencing with machetes and began damaging the tin walls of his residential house. When the complainant, her husband, her brothers-in-law, and other family members attempted to resist these unlawful actions, the accused launched a brutal group attack with the intent to kill, severely beating them and causing critical injuries. The accused struck the

complainant's husband Refaz Uddin, and her brothers-in-law Bahabul Ali and Taher Ali, on their heads with machetes, resulting in profuse bleeding furthermore, they fractured the right leg of her brother-in-law Taher Ali, broke the right hands of both the complainant and her son Abdul Awal Uddin, physically assaulted the complainant, her mother-in-law, and her co-sister Minuara Khatun (wife of Baharul Ali while pulling their clothes to disrobe and outrage their modesty, and additionally inflicted severe grievous injuries across the body of the husband's elder brother, Jaher Uddin.

4. The Case Diary as called for has been received along with the Injury Reports.

5. The Injury Reports mostly reflects simple injuries except two causes of grievous injuries caused by blunt object.

6. It prima-facie appears that Section 118(2) BNS may not be attracted.

7. Having regard to the materials on record, the prayer for pre-arrest bail is allowed. The petitioners, in the event of their arrest in connection with the aforesaid case shall be released on bail of Rs.20,000/- (Rupees twenty thousand) only each with two suitable sureties each of like amount to the satisfaction of Arresting authority.

8. It is further provided that the petitioners shall appear before the Investigating Officer within a period of 10 (ten) days from today for the purpose of interrogation and that they shall not try to influence or intimidate the witnesses or tamper with the evidence in any manner.

9. Accordingly, the Anticipatory Bail petition is allowed and disposed of.

10. Send back the case diary.

JUDGE

Comparing Assistant