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

Case No. : Bail Appln./2071/2026

MD AMMAN HAQUE
, S/O- MD. MOINUL HAQUE, R/O- HALMORA, MOHKHUTI, P.O. P.S.- GOLAGHAT, DISTRICT- GOLAGHAT, ASSAM, PIN-785621

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE LD. P.P., GOVT. OF ASSAM

Advocate for the Petitioner : MR D J BORO, M. K. BORAH,C SAIKIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 28.07.2026

Heard Mr. D.J. Boro, learned Counsel for the petitioner and Ms. S.H. Bora, learned Additional Public Prosecutor for the State.

2. By this application, the petitioner has prayed for bail in connection with Golaghat P.S. Case No. 134/2026 registered under Sections

296/74/121(1)/351(2)/3(5) of the BNS, 2023. The FIR connected with the instant case was lodged by the S.I. of Dhekial Outpost, Golaghat District alleging inter alia that on information over telephone that one person namely the petitioner had created disturbance by throwing bricks and had obstructed a common pathway, the police personnel reached the place of occurrence and apprehended the petitioner along with his wife and brought them to the Police Station. It is also stated in the FIR that on an earlier occasion too, there were complaints and both the petitioner and his wife were directed to appear before the Outpost, but they did not appear. However, the wife of the petitioner arrived at Dhekial Outpost on the day of lodging the ejahar i.e. on 29.06.2026 at about 12:00 pm and the moment she entered, she started using filthy and abusive language and she further alleged that her husband was brought to the Outpost illegally. It is also alleged that while the petitioner was made to stay in the Outpost till the arrival of the opposite party, the petitioner assaulted her by touching her while she was performing her duties and that the wife of the petitioner also tried to assault her.

3. The learned Counsel for the petitioner submits that the petitioner was arrested on the same day itself i.e. on 29.06.2026 and the wife was however released on that day by the police personnel. He further submits that Section 74 of the BNS, 2023 will not lie as there was no use of criminal force. He submits that the petitioner was inside the jail for 29 days and as such he be released on bail.

4. Ms. S.H. Bora, learned Additional Public Prosecutor for the State however submits that there is an allegation that the petitioner has assaulted the police official while she was doing her duty and that the behavior of the petitioner and

his wife which was not once but a number of times do not call for bail to be granted to them.

5. Upon consideration of the submissions made by the learned Counsels for the parties and on seeing that the petitioner was arrested and he has been inside the jail for 29 days, his interrogation was over and that his statement was recorded and there is also a submission made by the learned Counsel for the petitioner that there is a land dispute going on between the petitioner and another, this Court finds it fit to release the petitioner on bail on furnishing of bail bond of Rs. 20,000/- with one local surety of the like amount to the satisfaction of CJM, Golaghat under the following conditions:

i) the petitioner will appear before the Investigating Officer as and when call for.

ii) the petitioner will not hamper, tamper with the evidence, neither influence the witnesses connected with the case.

iii) the petitioner will not leave the place of jurisdiction without the permission of the said Court i.e. CJM, Golaghat.

6. Petition is disposed of.

JUDGE

Comparing Assistant