GAHC010167932026

2026:GAU-AS:12983

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

Case No. : AB/1860/2026

KASEM ALI AND 8 ORS.
S/O JALAL UDDIN, R/O BAJIA GAON, PO BAJIAGAON, SAMAGURI,
DISTRICT NAGAON, ASSAM, PIN 782140

2: BABUL HUSSAIN
S/O LATE JALAL UDDIN
R/O BAJIA GAON
PO BAJIAGAON
SAMAGURI
DISTRICT NAGAON
ASSAM
PIN 782140

3: KAMAL UDDIN
S/O MUSLIMUDDIN
R/O BAJIA GAON
PO BAJIAGAON
SAMAGURI
DISTRICT NAGAON
ASSAM
PIN 782140

4: RIJABUL HOQUE
S/O LATE SURAT ALI
R/O BAJIA GAON
PO BAJIAGAON
SAMAGURI
DISTRICT NAGAON
ASSAM
PIN 782140

5: YACHIN ALI
S/O LATE ALAM ALI
R/O BAJIA GAON

PO BAJIAGAON
SAMAGURI
DISTRICT NAGAON
ASSAM
PIN 782140

6: UMED ALI
S/O ABDUL KHALEK
R/O BAJIA GAON
PO BAJIAGAON
SAMAGURI
DISTRICT NAGAON
ASSAM
PIN 782140

7: IDRIS ALI
S/O LATE ABDUL SHEIKH
R/O BAJIA GAON
PO BAJIAGAON
SAMAGURI
DISTRICT NAGAON
ASSAM
PIN 782140

8: FAKAR UDDIN
S/O HASEM ALI
R/O BAJIA GAON
PO BAJIAGAON
SAMAGURI
DISTRICT NAGAON
ASSAM
PIN 782140

9: BABUL ISLAM
S/O JALAL UDDIN
R/O BAJIA GAON
PO BAJIAGAON
SAMAGURI
DISTRICT NAGAON
ASSAM
PIN 78214

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A SHARMA, MR I AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

07.09.2026

1. Heard Mr. A. Sharma, learned counsel appearing for the petitioners. Also Heard Ms. S.H. Borah, learned APP for the State of Assam.

2. By this application, the petitioners have prayed for pre-arrest bail in connection with Samaguri P.S. Case No. 221 of 2026 registered under Sections 189(2)/140(3)/26(2)/109/118(2)/3(5)/103(1)/117(2) of the BNS, 2023.

3. The FIR in connection with which the petitioners apprehend arrest was lodged on 25.07.2026 by the brother of the deceased stating *inter alia* that on 24.07.2026 at about 7:00 p.m. while his brother was returning from Boroma on a motorcycle the petitioners intercepted him, took him to a nearby field and assaulted him with sharp weapons.

4. The informant further stated that at that juncture his nephew was also passing through the said area and on recognizing the motorcycle of his brother, stopped and saw the petitioners assaulting his maternal uncle. The said nephew of the informant was also assaulted by one of the accused persons, namely, petitioner No. 2. The informant further stated that after assaulting his brother the accused persons, namely, the petitioners, proceeded to his uncle's house and assaulted his daughter-in-law. It is stated that the victim succumbed to his

injuries while undergoing treatment at the hospital.

5. Mr. Sharma, learned counsel appearing for the petitioners submits that the story narrated in the FIR is concocted and that the deceased was involved in other offences. He further submits that the deceased sustained injuries while quarrelling with another person and that the petitioners have no involvement whatsoever in the alleged offence.

6. Ms. S.H. Borah, learned APP, however, submits that upon perusal of the case diary and the statements of the witnesses more particularly those of the injured witnesses, it appears that all the petitioners had assaulted the victim in the field as a result of which the victim subsequently succumbed to his injuries.

7. Upon consideration of the submissions made by the learned counsel for the parties and particularly in view of the statements of the injured witnesses wherein the names of all the petitioners have figured, this Court does not deem it fit to enlarge the petitioners on pre-arrest bail.

8. Accordingly, the petition stands rejected at this stage.

JUDGE

Comparing Assistant