GAHC010182152026

2026:GAU-AS:12351

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

Case No. : AB/2005/2026

SADDAM HUSSAIN
S/O ABDUL HAKIM, AGED ABOUT 40 YEARS, R/O 1 NO. BORBEEL, P.S. DIGBOI, DISTRICT TINSUKIA, ASSAM, PIN-786171.

VERSUS

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

Advocate for the Petitioner : MR. A K GUPTA, MS M BORAH,MR. P GOHAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 27.08.2026

Heard Mr. A. K. Gupta, the learned counsel for the petitioner and Mr. K. K. Das, the learned Addl. Public Prosecutor for the State of Assam.

2. By this application, the petitioner has prayed for pre-arrest bail in connection with Digboi P.S. Case No. 12/2026, corresponding to G.R. Case No.

44/2026, registered under Sections 189(4)/127(2)/196(1)(b)/103(1)/103(2) of the BNS, 2023.

3. The FIR in connection with which the petitioner is apprehending arrest, was lodged on 12.02.2026, by the brother of the deceased, stating *inter alia* that on the day of occurrence, when his brother went to the market to fetch discarded vegetables to prepare the pig feed, some of the persons of Digboi market assaulted him on the ground that he had stolen some fish. It was stated that the said miscreants had tied his hands and feet and severely injured him. It is also stated that, thereafter, several persons join the assault and injured the victim. The victim was later on taken to the hospital, when he met his death.

4. Mr. Gupta, the learned counsel for the petitioner, submits that the petitioner was not named in the FIR and that during investigation, the police by way of examining the CCTV camera installed in the market implicated the petitioner as one of the miscreants who had participated in the assault. However, he submits that there are no materials to show that the petitioner had assaulted the deceased.

5. Mr. K. K. Das, the learned Addl. Public Prosecutor for the State, submits that, the police had found out the rest of the accused persons who had assaulted the deceased. Apart from the miscreants named in the FIR, upon examination of the CCTV footage recorded by the cameras installed in the market, it is revealed that the petitioner was also involved in the assault on the deceased.

6. On consideration of the submissions made by the learned counsel, more

particularly, in view of the stipulation made by the Investigating Officer in the Charge Sheet that the petitioner had joined the unlawful assembly and participated in the assault, which was without any substantiating materials, this Court deems it fit to enlarge the petitioner on pre-arrest bail on furnishing of a bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with one local surety of the like amount to the satisfaction of the Sub Divisional Judicial Magistrate, Margherita Court, Tinsukia under the following conditions:

(i) He will go and appear before the SDJM, Margherita, within 10 (Ten) days from the date of the order.

ii) He shall not hamper and tamper with the evidence of the case, and/or influence the witness connected with the case.

(iii) He will not leave the residence without the permission of the SDJM, Margherita.

7. The Anticipatory Bail Application stands disposed of.

JUDGE

Comparing Assistant