GAHC010141722020

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

**Case No. : AB/2826/2020**

MOINUL HOQUE @ MONIRUL HOQUE AND 4 ORS.
S/O ABDUL SAMAD, R/O BANGALIPARA PART-II (PURAN FALIMARI PART-II), P.S.-BILASIPARA, DIST-DHUBRI, ASSAM

2: TOHIRUL HOQUE
S/O ABDUS SAMAD
R/O BANGALIPARA PART-II (PURAN FALIMARI PART-II)
P.S.-BILASIPARA
DIST-DHUBRI
ASSAM

3: JOHIRUL HOQUE
S/O ABDUL SAMAD
R/O BANGALIPARA PART-II (PURAN FALIMARI PART-II)
P.S.-BILASIPARA
DIST-DHUBRI
ASSAM

4: RABIUL HOQUE
S/O JOHIRUL HOQUE
R/O BANGALIPARA PART-II (PURAN FALIMARI PART-II)
P.S.-BILASIPARA
DIST-DHUBRI
ASSAM

5: ABDUL SAMAD
S/O SHOMSER ALI
R/O BANGALIPARA PART-II (PURAN FALIMARI PART-II)
P.S.-BILASIPARA
DIST-DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR. A A R KARIM

**Advocate for the Respondent** : PP, ASSAM

**BEFORE**
**HONOURABLE MR. JUSTICE HITESH KUMAR SARMA**

**ORDER**

**07-12-2020**

This is an application, made under **Section 438 Cr.P.C**., seeking pre-arrest bail by the petitioners, namely, **1. Sri Moinul Hoque @ Monirul Hoque, 2. Sri Tohirul Hoque, 3. Sri Johirul Hoque, 4. Sri Rabiul Hoque** and **5. Sri Abdul Samad,** apprehending arrest in connection with **Bilasipara Police Station Case No. 667 of 2020**, (corresponding to GR Case No. 1049/2020), registered **under Sections 341/326/427/379/34 of the IPC**.

I have perused the petition including the copy of the FIR.

The case diary produced has been perused including the injury report.

Heard Mr. A.A.R. Karim, learned counsel for the petitioners as well as Ms. A. Begum, learned Additional Public Prosecutor, appearing for the State of Assam.

The injury report available in the case diary shows that the injured sustained simple injury, caused by sharp cutting weapon.

That being so, *prima facie*, the injuries are not covered by Section 320 of the IPC and the offence punishable under Section 326 of the IPC is not, *prima facie,* attracted. However, this view is tentative and for the purpose of this bail application only. On the other hand, there is no such material in the case diary justifying the allegation of commission of theft of building materials, as alleged.

That being so, the petitioners are granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioners above named, in connection with the case aforementioned, they shall be released on furnishing bail bond of **Rs.10,000/- each**, with **a suitable surety** each of the like amount, to the satisfaction of arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioners:

(a) shall appear before the Investigating of concerned Police Station, within seven days from today and shall co-operate with the investigation;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

The anticipatory bail application stands disposed of accordingly.

Return the case diary.

**JUDGE**

**Comparing Assistant**