GAHC010149532020

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

Case No. : Bail Appln./2229/2020

SHAHADAT HUSSAIN AND ANR
S/O MUFASSIL ALI, R/O VILL-TILLAGRAM, P.S.-PATHERKANDI, DIST-KARIMGANJ, ASSAM

2: JABIR HUSSAI

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A K TALUKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

O R D E R

01-12-2020.

By filing this petition under Section 439 of the CrPC, the two petitioners namely Shahadat Hussain and Jabir Hussain, who are in custody since 12.09.2020, have prayed for releasing them on regular bail in connection with the Patherkandi P.S. Case No.473/2020, under Section 394/326/307 of the IPC, read with Section 25(1-b)a/27 the Arms Act.

Heard Mr. A.K. Talukdar, learned counsel for the petitioners as well as Mr. D. Das, learned Addl. P.P., Assam and perused the case diary produced.

According to the allegation in the FIR, the brother of the informant along with one of his neighbours sustained bullet injuries, fired by some miscreants on the night of 24.08.2020.

The present accused petitioners were arrested on 12.09.2020 on mere suspicion. The case diary is produced today reveals that none of the witnesses could identify any of the accused persons. It appears for the record that the accused persons have passed considerable period of time behind the bar and their involvement with the offence alleged could not be made out.

Considering all the entity of the incident and the length of detention, each of the accused persons named above are allowed to release on regular bail of Rs.20,000/- with one surety of like amount, to the satisfaction of learned Chief Judicial Magistrate, Karimganj, in connection with the Patherkandi P.S. Case No.473/2020.

The bail petition stands disposed of accordingly.

Return back the case diary forthwith.

JUDGE

Comparing Assistant