GAHC010049272026

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

Case No. : Bail Appln./1004/2026

KHABIR ALI AND 4 ORS.
S/O LATE SHAHAR BANIA
VILL- 1 NO. MAZGAON
P.S- DALGAON
DIST- DARRANG
ASSAM

2: SANGSHER ALI
S/O LATE SHAHAR BANIA
VILL- 1 NO. MAZGAON
P.S- DALGAON
DIST- DARRANG
ASSAM

3: MAHIDUL ISLAM
S/O KHABIR ALI
VILL- 1 NO. MAZGAON
P.S- DALGAON
DIST- DARRANG
ASSAM

4: OHIDUL ISLAM
S/O IDU BANIA
VILL- 1 NO. MAZGAON
P.S- DALGAON
DIST- DARRANG
ASSAM

5: SAIFUL ISLAM
VILL- 1 NO. MAZGAON
P.S- DALGAON
DIST- DARRANG
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. S ISLAM
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 29-04-2026

Heard Mr. S. Islam, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Addl. P.P., Assam appearing on behalf of the State respondent.

2. This is an application filed under Section 483 of the BNSS, 2023, praying for grant of bail to the accused/petitioners, namely, **(i) Khabir Ali, (ii) Sangsher Ali, (iii) Mahidul Islam, (iv) Ohidul Islam** and **(v) Saiful Islam** in connection with **Dalgaon Police Station Case No. 28/2026** registered under Sections 331(8)/103(1)/118(2)/117(2)/326(g)/191(3) of the BNS.

3. C.D. received. Perused the same.

4. It is submitted by Mr. Islam, learned counsel for the petitioner that there was a land dispute between the parties and on the day of the incident also, the informant side came to their land and tried to disposes them from their possession and for which there was a quarrel and an altercation took place

between the parties and both the parties sustained some injuries on their person. To that context, the wife of the petitioner no. 1 also lodged a cross FIR, which is accordingly registered. However, unfortunately one person died due to the said incident but the accused petitioners are not involved in the alleged offence. One civil case is also pending between the parties for the alleged land dispute when the informant side tried to evict the petitioners. However, the petitioner no. 1 is in custody since 72 days and other petitioners are in custody since 63 days and hence, considering their length of detention also, the petitioners may be released on bail.

5. Mr. Borthakur, learned Addl. P.P. has submitted in this regard that there are sufficient incriminating materials against all the accused petitioners and from the statements of the eye witnesses as well as the victim, it is seen that they are all involved in the alleged offence and assaulted the victim as well as the deceased on the day of incident. Mr. Borthakur has accordingly raised objection and submitted that it may not be a fit case to enlarge the accused persons on bail at this stage. He further submitted that a post mortem examination report is also received wherefrom it is seen that the deceased has sustained grievous injuries on different parts of his body including the head injury for which he died instantly.

6. Considering the submissions made by the learned counsel for the parties, the materials in the case diary and without going further detail into the merit of the case, I find that further custodial interrogation of the petitioners may not be required for the purpose of investigation as the I.O. got sufficient opportunity to interrogate them, keeping them in custody and as such I find it a fit case to extend the privilege of bail.

7. Accordingly, the accused/petitioners, namely, **(i) Khabir Ali, (ii) Sangsher Ali, (iii) Mahidul Islam, (iv) Ohidul Islam** and **(v) Saiful Islam,** be released on bail in connection with **Dalgaon Police Station Case No. 28/2026** registered under Sections 331(8)/103(1)/118(2)/117(2)/326(g)/ 191(3) of the BNS, on furnishing a bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each only, with one surety of like amount to the satisfaction of the **learned CJM, Darrang** subject to the following conditions:-

(i) that the petitioners shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. Case and

(ii) that the petitioners 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/her from disclosing such facts to the Court or to any police officer.

8. With the above observation and direction, this bail application stands disposed of.

9. Return the case diary herewith.

JUDGE

Comparing Assistant