GAHC010099632026

2026:GAU-AS:16478

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

Case No. : AB/1064/2026

AZIBAR RAHMAN ALIAS AZIBOR RAHMAN AND 10 ORS.
S/O LATE NOZOR ALI
R/O VILL KUMRI
PO CHIRAKUTI
PS FAKIRGANJ
DIST DHUBRI
ASSAM
PIN 783330

2: SOBUR ALI
S/O LATE NURU SK
R/O VILL KUMRI
PO CHIRAKUTI
PS FAKIRGANJ
DIST DHUBRI
ASSAM
PIN 783330

3: JOLIL UDDIN ALIAS ABDUL JOLIL
S/O LATE MONIR UDDIN
R/O VILL KUMRI
PO CHIRAKUTI
PS FAKIRGANJ
DIST DHUBRI
ASSAM
PIN 783330

4: MONOWAR HUSSAIN
S/O HASAN ALI
R/O VILL KUMRI
PO CHIRAKUTI
PS FAKIRGANJ
DIST DHUBRI
ASSAM

PIN 783330

5: SAMSUL HOQUE
S/O LATE MAGUN ALI
R/O VILL KUMRI
PO CHIRAKUTI
PS FAKIRGANJ
DIST DHUBRI
ASSAM
PIN 783330

6: MOZIBOR RAHMAN
S/O LATE NOZOR ALI
R/O VILL KUMRI
PO CHIRAKUTI
PS FAKIRGANJ
DIST DHUBRI
ASSAM
PIN 783330

7: HABIBAR RAHMAN ALIAS HOBIBOR RAHMAN
S/O LATE NOZOR ALI
R/O VILL KUMRI
PO CHIRAKUTI
PS FAKIRGANJ
DIST DHUBRI
ASSAM
PIN 783330

8: MURSHID ALOM ALIAS MURSHID ALI
S/O HASAN ALI
R/O VILL KUMRI
PO CHIRAKUTI
PS FAKIRGANJ
DIST DHUBRI
ASSAM
PIN 783330

9: NASHIR UDDIN ALIAS NASHIR ALI
S/O AMAN ALI
R/O VILL KUMRI
PO CHIRAKUTI
PS FAKIRGANJ
DIST DHUBRI
ASSAM
PIN 783330

10: ANOWAR HUSSAIN

S/O LATE ASUR UDDIN
R/O VILL KUMRI
PO CHIRAKUTI
PS FAKIRGANJ
DIST DHUBRI
ASSAM
PIN 783330

11: AYNAL HOQUE
S/O LATE ASUR UDDIN
R/O VILL KUMRI
PO CHIRAKUTI
PS FAKIRGANJ
DIST DHUBRI
ASSAM
PIN 783330
VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PP
ASSAM

Advocate for : MR H R A CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 10.11.2026

Heard Mr. A. F. N. U. Mollah, learned counsel for the petitioners and Mr. B. Sarma, learned Addl. Public Prosecutor for the State of Assam.

2. By this application the petitioners being 11 in numbers have prayed for pre-arrest bail in connection with Fakirganj P.S. Case No. 29/2026, registered under Sections 191(2), 191(3), 190, 296, 117(2), 118(2), 109(1) of BNS, 2023.

3. The FIR in connection with which the petitioners apprehends arrest was lodged by one of the victim, stating *inter alia* that, he was performing his duty as the General Secretary of the concerned village graveyard committee and that, he had presented the expenditure account before the public as well as the committee members but on 20.03.2026, at around 1:00 PM, the petitioners came to his house and after taking him outside told him that an amount of Rs. 82,000/- has not been accounted for by the informant. He further stated that when he stated that, he will discuss the matter, the petitioners assaulted him with weapons, as a result of which he got injured.

4. Mr. Mollah, learned counsel for the petitioner, submits that there was a mutual fight between the parties and that both the parties got equally injured. He further submits that the petitioners were enlarged on interim pre-arrest bail by order dated 25.05.2026, with one of the condition that he should go and appear before the Investigating Officer. However, he submits that on the day when the petitioners went before the Investigating Officer, they were apprised that the Charge-sheet is prepared and is laid on the very next date.

5. On the other hand Mr. B. Sarma, learned APP for the State, on perusal of the Trial Court's record, submits that the injuries sustained by the informant was grievous in nature and that injuries sustained by other injured persons were simple. He further submits that, one of the injured person had named few of the petitioners.

6. Upon consideration of the submissions made by the learned counsels, more so in view of the fact that, no specific overt act has been ascribed to any of the petitioners, this court deems it fit to enlarge the petitioners on pre-arrest

bail. Accordingly, the order dated 25.05.2026, is made absolute on further the conditions that :

(i) He should appear before the Trial Court as and when call for.

(ii) The petitioner shall not leave their residence without prior permission of the Arresting Authority.

7. The AB application stands disposed of.

JUDGE

Comparing Assistant