GAHC010099632026

2026:GAU-AS:16478

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

Case No. : AB/1062/2026

ABDUR RAHIM BOXH
S/O LATE ABDUL GOFUR DEWANI, R/O VILL KUMRI, PO CHIRAKUTI BAZAR, PS FAKIRGANJ, DIST DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M ALI, MR. J UDDIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 10.11.2026

Heard Mr. M. Ali, learned counsel for the petitioner and Mr. B. Sarma, learned Addl. Public Prosecutor for the State of Assam.

2. By this application the petitioner has 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 petitioner is apprehending arrest was lodged by one of the victim, stating *inter alia* that he was serving as the General Secretary of the concerned village graveyard committee and that, he had presented the complete accounts before the public and the committee but on 20.03.2026, at around 1:00 PM, the petitioner along with others came to his house and after taking him outside told him that he did not account for Rs. 82,000/- with regard to the same graveyard and that they demanded the money instantly and when the informant stated that, he will discuss the matter with them, he along with others were assaulted, as a result of which he and others sustained injuries.

4. The learned counsel for the petitioner submits that there was mutual fight between both the parties and that both the parties had sustained injuries. He further submits that this court, vide order dated 25.05.2026, had enlarged the petitioner on interim pre-arrest bail on the condition that, he should go and appear before the Investigating Officer within the stipulated time but he submits that, the petitioner went and appear before the IO but he was informed that the Charge-sheet is ready and that on the next day, the Charge-sheet was submitted in connection with the said case.

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 the petitioner to have assaulted him.

6. Upon consideration of the submissions made by the learned counsels, more so in view of the fact that no specific overt act was ascribed upon the petitioner and that, even the injured witness have not stated about the specific act, this court deems it fit to enlarge the petitioner on pre-arrest bail. Accordingly, the order dated 25.05.2026, is made absolute with the further 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