GAHC010201392026

2026:GAU-AS:15067

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

Case No. : AB/2284/2026

SARUT @ SURATZAMAN SK @ SAIRUZZAMAN
S/O LATE MOKSED ALI, R/O VILLAGE- MADHUSOUIMARI PT-II
(KHASKHAMAR), P.S.- GAURIPUR, DISTRICT- DHUBRI, ASSAM, PIN- 783331

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M A SHEIKH, MS F INTAZ,MR. Z H AHMED

Advocate for the Respondent : PP, ASSAM, A MISHRA(INFORMANT),MR. SURAJIT DAS(INFORMANT),MR SARFRAZ NAWAZ(INFORMANT)

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

07.10.2026

1. Heard Mr. M.A. Sheikh, learned counsel appearing for the petitioner. Also heard Mr. D.P. Goswami, learned APP appearing for the State of Assam assisted by Mr. D.K. Agarwal, learned counsel appearing for the informant.

2. By this application the petitioner has prayed for pre-arrest bail in

connection with PRC Case No. 1182/2025 arising out of Gauripur P.S. Case No. 234/2025 registered under Sections 61(2)/103(1) of the BNS, 2023.

3. The FIR in connection with which the petitioner is apprehending arrest was lodged on 21.05.2025 by the wife of the deceased alleging *inter alia* that the accused persons named in the FIR had killed her husband inside their house by assaulting him with lethal weapons. It is seen that the petitioner was not named in the FIR. However, upon completion of the investigation the police submitted charge-sheet against 15 persons one of whom is the present petitioner.

4. The learned counsel appearing for the petitioner submits that the name of the petitioner was neither mentioned in the FIR nor reflected in the statements of the co-accused. He submits that in the absence of any material implicating the petitioner, the Investigating Officer has merely on suspicion included the name of the petitioner as an accused in the charge-sheet.

5. On the other hand, Mr. D. P. Goswami, learned counsel for the State upon perusal of the case record submits that several witnesses have made statements before the police implicating the petitioner as one of the accused persons involved in the commission of the offence.

6. Mr. D. K. Agarwal, learned counsel appearing for the informant and assisting the learned PP submits that the petitioner along with the other accused persons had threatened the informant and pursuant thereto two FIRs were lodged by the informant before the concerned police station.

7. Upon consideration of the submissions made by the learned counsel appearing for the parties, more so in view of the fact that the petitioner was not

named in the FIR by the informant and no specific overt act has been attributed to him either by the witnesses or in the charge-sheet, this Court deems it fit and proper to grant the privilege of pre-arrest bail to the petitioner. Accordingly, the petitioner shall be released on pre-arrest bail on furnishing a bail bond of Rs. 20,000/- (Rupees twenty thousand) with one local surety of the like amount to the satisfaction of the learned Judicial Magistrate First Class, Dhubri No. 2 subject to the following conditions:

(i) The petitioner shall appear before the learned Trial Court within a period of 10 days from today and shall cooperate with the investigation without fail;

(ii) The petitioner shall not hamper or tamper with the evidence of the case and shall not influence any witness connected with the case; and

(iii) The petitioner shall not leave his place of residence without the prior permission of the Investigating Officer.

8. It is further directed that if the petitioner is found to have contacted the informant or any member of the informant's family, particularly with a view to threatening or intimidating them the privilege of pre-arrest bail granted to the petitioner shall stand cancelled.

9. Accordingly, this Anticipatory Bail Application stands disposed of.

JUDGE

Comparing Assistant