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2026:GAU-AS:15066

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

Case No. : AB/2367/2026

MERAJUL ALIAS MERAJUL HOQUE AND 2 ORS.
SON OF NURJAMAL VILLAGE HEDAYAT NAGAR PS SADAR NAGAON ASSAM

2: MINARA BEGUM
WIFE OF NURJAMAL VILLAGE HEDAYAT NAGAR PS SADAR NAGAON ASSAM

3: NUR JAMAL
SON OF LATE ABDUL JABBAR VILLAGE HEDAYAT NAGAR PS SADAR NAGAON ASSA

VERSUS

STATE OF ASSAM
REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR GOVERNMENT OF ASSAM

Advocate for the Petitioner : MR S DEWRI, MR A DEKA,S KALITA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

07.10.2026

1. Heard Mr. S. Dewri, learned counsel appearing for the petitioners. Also heard Mr. R.J. Baruah, learned APP appearing for the State of Assam.

2. By this application, the petitioners have prayed for pre-arrest bail in connection with PRC Case No. 295 of 2026 arising out of Nagaon P.S. Case No. 895 of 2025 registered under Sections 118(2)/351(2)/109/3(5) of the BNS, 2023 pending before the learned Chief Judicial Magistrate, Nagaon, Assam.

3. The FIR in connection with which the petitioners are apprehending arrest was lodged on 07.11.2025 by the informant stating *inter alia* that there was a dispute between two parties, i.e., her family and the family of her husband's second wife over the use of a hand pump. It is alleged that on the day of lodging the FIR at around 4:00 p.m. the petitioners along with others put up a bamboo fence around the hand pump which led to a quarrel. It is further alleged that the petitioners attacked the informant and her relatives as a result of which they sustained injuries.

4. The learned counsel appearing for the petitioners submits that one of the accused persons named in the FIR has already been arrested whereas accused Nos. 2 and 3 have not been attributed any overt act in the said FIR. He further submits that the police have completed the investigation and submitted the charge-sheet and the case is presently at the appearance stage.

5. Mr. R.J. Baruah, learned APP on the other hand upon perusal of the case records submits that the son-in-law of the informant sustained grievous injuries and in his statement has specifically stated that it was Petitioner No. 1 who assaulted him. He further submits that Petitioner No. 1 along with the other petitioners had also participated in the assault and therefore the petitioners ought not to be granted the benefit of pre-arrest bail.

6. Upon consideration of the submissions made by the learned counsel for the

parties, more so in view of the fact that no overt act has been attributed to Petitioner Nos. 2 and 3, namely, Minara Begum and Nur Jamal, this Court enlarges them on pre-arrest bail on furnishing a bail bond of Rs. 20,000/- (Rupees twenty thousand) each with one local surety each of the like amount to the satisfaction of the Arresting Authority subject to the following conditions:

(i) The petitioners shall positively appear before the concerned Court on the date fixed,

(ii) The petitioners shall not hamper and tamper with the evidence of the case, and/or influence the witness connected with the case; and

(iii) The petitioners shall not leave their residence without prior permission of the Investigating Officer.

7. However, in the case of Petitioner No. 1, namely, Merajul @ Merajul Hoque who is stated to have assaulted the injured person and in view of the fact that the injured person has specifically named Petitioner No. 1 as the person who attacked him coupled with the fact that the injuries sustained by him have been found to be grievous, this Court does not deem it fit to enlarge Petitioner No. 1 on pre-arrest bail.

8. The petition is accordingly disposed of.

JUDGE

Comparing Assistant