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

Case No. : AB/2377/2026

FOZILA KHATUN AND 6 ORS
D/O- TIAH ALI MIAH, R/O- VILL- BANACHAPA (POKIA), P.S.- FAKIRGANJ,
DISTRICT- DHUBRI, ASSAM

2: NURJAHAN KHATUN
W/O- TIAH ALI MIAH
R/O- VILL- BANACHAPA (POKIA)
P.S.- FAKIRGANJ
DISTRICT- DHUBRI
ASSAM

3: ANSER ALI @ ANSAR ALI
S/O- MURAD ALI
R/O- VILL- BANACHAPA (POKIA)
P.S.- FAKIRGANJ
DISTRICT- DHUBRI
ASSAM

4: SABED ALI
S/O- MURAD ALI
R/O- VILL- BANACHAPA (POKIA)
P.S.- FAKIRGANJ
DISTRICT- DHUBRI
ASSAM

5: MOFIDUL ISLAM
S/O- MONSHOP ALI
R/O- VILL- BANACHAPA (POKIA)
P.S.- FAKIRGANJ
DISTRICT- DHUBRI
ASSAM

6: SHOHIDUR @ SHOHIDUL HOQUE
S/O- TIAH ALI MIAH

R/O- VILL- BANACHAPA (POKIA)
P.S.- FAKIRGANJ
DISTRICT- DHUBRI
ASSAM

7: MIZANUR RAHMAN
S/O- TIAH ALI MIAH
R/O- VILL- BANACHAPA (POKIA)
P.S.- FAKIRGANJ
DISTRICT- DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A W AMAN, MD A RAHMAN,MR. SURAJIT DAS,MR SARFRAZ NAWAZ,A MISHRA

Advocate for the Respondent : PP, ASSAM, MR R A AHMED(INFORMANT),MR A ALAM(INFORMANT),MR. B HUSSAIN(INFORMANT),MR. A A MONDAL(INFORMANT),MD B ISLAM(INFORMANT)

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 12.11.2026

Heard Mr. S. Das, learned Counsel for the petitioners and Mr. heard Mr. MP Goswami, learned Additional Public Prosecutor for the State. Also heard Mr. B. Islam, learned Counsel for the informant.

2. By this application, the petitioners, seven in numbers have prayed for pre arrest bail in connection with Fakirganj PS Case No. 77/2026 registered under Section 61(2)/123/127(2)/117(2)/103(2) of BNS, 2023. The FIR in connection with which the petitioners are apprehending arrest was lodged by the brother of

the deceased on 04.07.2026 stating inter alia that his brother was married to the petitioner no.1 around 16-17 years back and that out of the said wedlock, two sons were born to petitioner no.1. It is thereafter stated that the petitioner no.1 used to stay in her father's place most of the time and that on 06.02.2026, his brother went to his in laws house to meet his wife and children and that on the next day i.e. on 07.02.2026, his brother was admitted to the hospital on being serious. It is also stated by the informant that his brother was thereafter shifted to Metro Hospital, Guwahati and that he was released from the said hospital on 09.02.2026 and the deceased was taken to the house of the informant. It was further stated that on 10.02.2026, the brother of the informant again felt unwell and he was admitted in a hospital at Goalpara, where he was administered with oxygen and was released from the said hospital too. It was thereafter stated that in the house of the informant, the deceased was kept and when the oxygen was removed the deceased died. It was thereafter stated that when the deceased was taken for burial and his body was washed, number of injuries were found. The informant also stated that he suspects that the petitioners have administered poison and killed his brother.

3. The learned Counsel for the petitioners submits that before the instant FIR, an unnatural death case was registered on 12.02.2026 wherein none of the allegations were mentioned. He also submits that the doctors in the Metro Hospital had treated the deceased for his brain hemorrhage. He, however, submits that in the FSL report submitted by the Scientific Officer, it is seen that the petitioner died of poisoning but there is no materials on record that the petitioners have poisoned the deceased.

4. On the other hand, Mr. MP Goswami, learned Additional Public Prosecutor for the State submits on perusal of the case records that the postmortem report

of the petitioners showed that the final report was kept pending till the receipt of the FSL report and the FSL report showed that the deceased died of poisoning. He also submits that on 06.02.2026, while the deceased was in the petitioner's house, he felt unwell and he was admitted in the hospital leading to his death.

5. Mr. B. Islam, learned Counsel for the informant supports the argument made by the learned Additional Public Prosecutor and further submits that the petitioners have threatened the family members of the informant and to that effect representations were made to various authorities.

6. Upon considerations of the submissions made by the learned Counsels for the parties, more so in view of the fact that the doctors in the Metro Hospital did not report of any poison being found in the body of the victim during the treatment for so many days neither any other doctors of the other hospital had stated so and also due to the fact that the petitioner died after 5 days of the alleged administering of the poison, which is unlikely and also due to the fact that the brother had himself stated that on removal of the oxygen, the deceased died, this Court deems it fit to enlarges the petitioners on pre arrest bail on furnishing of bail bond of Rs. 20,000/- each with one local surety each of the like amount to the satisfaction of the Arresting Authority under the following conditions:

i) the petitioners will not approach the informant or any of his family members much less speaking to them. However, if it is found that the petitioners have approached the said persons, the Investigating Officer is directed to file an application for cancellation of bail, which will be considered by this Court.

ii) the petitioners will appear before the Investigating Officer within 15

days from the date of the order

iii) the petitioners will appear before the Investigating Officer as well as the Trial Court thereafter as and when called for.

iv) the petitioners will not hamper, tamper with the evidence, neither influence the witnesses connected with the case.

v) the petitioners will not leave the place of jurisdiction without the permission of the Arresting Authority.

7. Petition is disposed of.

JUDGE

Comparing Assistant