GAHC010214462026

2026:GAU-AS:14903

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

Case No. : Bail Appln./3014/2026

NAZRUL SIKDAR AND 3 ORS.
S/O SADULLA MIYA
RESIDENTS OF VILLAGE RANGAPANI MOUZA JALIA P O JAHURPAM P S AND DISTRICT BARPETA ASSAM PIN 781314

2: DELBAR SIKDAR
S/O JALA UDDIN
RESIDENTS OF VILLAGE RANGAPANI MOUZA JALIA P O JAHURPAM P S AND DISTRICT BARPETA ASSAM PIN 781314

3: SAHIDUL HAQUE
S/O LATE KURPAN ALI
R/O VILL- RANGAPANI
MOUZA- JALIA
P.O.JAHURPAM
P.S. AND DIST. BARPETA
ASSAM
PIN-781314

4: HASEN KHAN
S/O HARAN ALI KHAN
R/O VILL- RANGAPANI
MOUZA- JALIA
P.O.JAHURPAM
P.S. AND DIST. BARPETA
ASSAM
PIN-78131

VERSUS

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

Advocate for the Petitioner : MD. S Z B AKLAS,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 06.10.2026

Heard Mr. S.Z. Aklas, learned counsel for the accused. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent No. 1 and Mr. J. Kalita, learned counsel for the informant.

2. This petition, under Section 483, BNSS is preferred by four accused, namely, Nazrul Sikdar, Delbar Sikdar, Sahidul Haque and Hasen Khan, who have been languishing in jail hazot, in connection with Barpeta P.S. Case No. 329/2026, registered under Sections 191(3)/ 190/ 329(3)/ 117(2)/ 118(2)/109/351(3) of the BNS, 2023, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Shanti Mazumdar on 01.09.2026. The essence of allegation in the FIR is that on 03.09.2026, one Sahidul Haque; Majnu; Baharul; Sahnur; Jinnatul; and Abdul Jalil, had installed an earth cutting machine upon the land of the informant and thereafter, forcibly laid pipes over the same and then, she requested the accused persons to stop the activities of earth-cutting and excavation work. Thereafter, on 31.08.2026, 26 personnel of the Forest Department came to the spot and stopped the said activities and removed the pipes. Thereafter, suspecting that she had reported the matter to the Forest Department, the accused persons, along with 10 unknown persons,

came to her house with sharp weapons and severely assaulted her son, namely, Gobinda Mazumdar and injured him seriously. Then, on hearing the hue and cry of her son, her husband and she came forward and tried to intervene the accused persons and save him. But, the accused persons also attempted to assault and kill her husband and caused serious injuries to him on his right hand, leg and waist and also assaulted her. Further, the accused No. 1 tore her clothes and tried to outrage her modesty by touching her several intimate body parts.

4. Mr. Aklas, learned counsel for the accused, submits that the accused Nos. 3 and 4 were arrested on 16.09.2026 and accused Nos. 1 and 2 were arrested on 19.09.2026, and since then they have been languishing in jail hazot. Mr. Aklas also submits that except the offence under Section 118(2) of the BNS, 2023, rest of the offences are not very serious in nature and that the injuries sustained by the victims are also not serious in nature. Mr. Aklas further submits that the accused persons will cooperate with the investigating agency, and therefore, it is contended to allow the petition.

5. Per contra, Mr. Borthakur, learned Additional Public Prosecutor has vehemently opposed the petition. By producing the case diary before this Court, he submits that the I.O. has collected sufficient incriminating materials against the accused persons, and that the investigation is still going on and the injuries sustained by the victims are also grievous in nature, and under such circumstances, he has contended to dismiss the petition.

6. Mr. Kalita, learned counsel for the informant has also vehemently opposed the petition. He submits that the injuries sustained by the victims are grievous in nature and caused by dangerous weapon. He also submits that the informant’s family is the only Hindu family residing in the said locality and with a

view to evict them forcibly from their property, the accused persons have attacked the informant and her son in a planned manner, and that the accused persons may not be released on bail till completion of the trial, and therefore, he has contended to dismiss the petition.

7. Having heard the submissions of learned Advocates of both sides, this Court has carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Borthakur, learned Additional Public Prosecutor.

8. It appears that during the course of investigation, the I.O. has collected the injury report of victim Buddheswar Mazumdar, and the injuries sustained by him are grievous in nature caused by blunt object, and the informant Shanti Mazumdar got simply injury on her person caused by blunt object and her son Gobinda Mazumdar got simply injury caused by blunt object.

9. Further, it appears that the I.O. has collected sufficient incriminating materials against the present accused persons, in support of the accusation made in the FIR. Investigation is still going on and enlarging the accused persons on bail, at this stage, will hamper the investigation.

10. Accordingly, taking note of the submissions of learned counsel for both the parties, and also considering the materials collected so far by the I.O. during investigation, and further considering the nature and gravity of the offence and the injuries sustained by the victims as well as the stage of investigation, this Court is of the view that this is not a fit case where the privilege of bail can be granted to the accused persons. And accordingly, this bail application stands dismissed.

11. Case diary be returned.

JUDGE

Comparing Assistant