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2026:GAU-AS:15143

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

Case No. : AB/2539/2026

MAINUL HOQUE AND 4 ORS.
S/O MURAD JAMAL, R/O VILL KHATANIYAPARA, PS DHULA, DIST DARRANG, ASSAM

2: AINUL HOQUE
S/O MURAD JAMAL
R/O VILL KHATANIYAPARA
PS DHULA
DIST DARRANG
ASSAM

3: SAMSUL HOQUE
S/O MURAD JAMAL
R/O VILL KHATANIYAPARA
PS DHULA
DIST DARRANG
ASSAM

4: JABED ALI
S/O SURUJ JAMAL ALIAS BARKAT ALI
R/O VILL KHATANIYAPARA
PS DHULA
DIST DARRANG
ASSAM

5: NUR HUSSAIN ALIAS BHAKTU
S/O SURUJ JAMAL ALIAS BARKAT ALI
R/O VILL KHATANIYAPARA
PS DHULA
DIST DARRANG
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR M HOQUE, MS. F YASMIN,MS J BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 08-10-2026

1. Heard Mr. M. Hoque, the learned counsel appearing for the accused-applicants. Also heard Ms. S.H. Bora, the learned Addl. P.P., Assam appearing for the State respondent.

2. This is an application under Section 482 of BNSS, 2023 praying for granting pre-arrest bail to the accused-applicants, namely **1) Mainul Hoque 2) Ainul Hoque 3) Samsul Hoque 4) Jabed Ali** and **5) Nur Hussain @Bhaktu** in connection with **Dhula P.S. Case No.77/2026** registered under Sections **103(1)/3(5)** of BNS, 2023.

3. An FIR was lodged by the informant Tota Miya on 15.05.2026, before the Officer-in-Charge of Dhula Police Station, alleging, *inter alia,* that on 16.08.2025 at around 8:00 p.m, he and his family members found his brother, namely Late Jainal Abedin lying in an unconscious condition in the tubewell area. Thereafter, they took him to the Mangaldai Civil Hospital, where the Doctor declared him dead. It is alleged that on the next day, i.e, 17.08.2025, with the help of Mangaldai Police Station the dead body of the deceased was

taken to the Gauhati Medical College and Hospital for conducting post-mortem examination. However, it is alleged that on 10.05.2026, when they collected the post-mortem, they came to know that the victim sustained an injury on his head 48 to 54 hours prior to his death. It is alleged that the accused persons named in the FIR on 30.07.2025 hit the informant on his head with a hammer over some domestic issues, for which he sustained injury. Therefore, the informant suspects that the accused persons may have been involved in the killing of his brother on 16.08.2025 due to certain issues between the families of the victim and the accused persons.

4. The learned counsel appearing for the accused-applicants submits that the incident occurred on 16.08.2025, whereas the FIR has been lodged on 15.05.2026, only after receipt of the post-mortem report, that too only on mere suspicion. There is no material allegation against the accused-applicants. In view of the aforesaid, he prays that the accused-applicants should be granted bail.

5. Ms. S.H. Bora, the learned Addl. P.P, on the other hand, opposes the prayer for anticipatory bail and prays for calling for the case diary.

6. This Court has considered the submissions made by the counsel appearing for the respective parties and has also duly considered the allegations made in the FIR as well as the time of the incident and the filing of the FIR. Taking into account the entire facts of the case, this Court is of the considered opinion that the accused-applicants should be granted pre-arrest bail at this stage.

7. Accordingly, it is directed that in the event of arrest of the accused-applicants by the Investigating Officer in connection with Dhula P.S. Case No.77/2026, they shall be released on pre-arrest bail on furnishing a bail bond of Rs.20,000/- (Rupees Twenty Thousand) each with one surety of like nature to the satisfaction of the arresting authority, subject to the following conditions: -

(1) That the accused-applicants shall appear before the Investigating Officer within a period of 10(ten) days;

(2) That the accused-applicants shall cooperate with the investigation and make themselves available as and when called for by the Investigating Authority;

(3) That the accused-applicants shall not hamper or tamper with the investigation in any manner.

8. In terms of the aforesaid directions, the anticipatory bail application is disposed of.

JUDGE

Comparing Assistant