GAHC010217562026

2026:GAU-AS:15213

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

Case No. : AB/2446/2026

SAHIL AHMED ALIAS MD SAHIL AHMED AND 6 ORS.
S/O AJIM UDDIN, R/O VILL ISLAM NAGAR, PS HOJAI, DIST HOJAI, ASSAM

2: SAJID AHMED ALIAS MD SAJID AHMED
S/O AJIM UDDIN
R/O VILL ISLAM NAGAR
PS HOJAI
DIST HOJAI
ASSAM

3: MD ALAM ALIAS ALAM HUSSAIN
S/O MD SAMJID ALI
R/O VILL ISLAM NAGAR
PS HOJAI
DIST HOJAI
ASSAM

4: MD ALHAJ HUSSAIN
S/O MD SAMJID ALI
R/O VILL ISLAM NAGAR
PS HOJAI
DIST HOJAI
ASSAM

5: MD SABIR AHMED ALIAS MD SABIR HUSSAIN
S/O LT ABDUL MATIN ALIAS BHAGA
R/O VILL ISLAM NAGAR
PS HOJAI
DIST HOJAI
ASSAM

6: REJUAN AHMED ALIAS MD RIZWAN AHMED
S/O MD ANWAR HUSSAIN ALIAS MD BABUL HUSSAIN
R/O VILL ISLAM NAGAR

PS HOJAI
DIST HOJAI
ASSAM

7: MD IFTEHAR HUSSAIN ALIAS MD ISTEHAR AHMED
S/O MD RAHMAT ALI
R/O VILL ISLAM NAGAR
PS HOJAI
DIST HOJAI
ASSA

VERSUS

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

Advocate for the Petitioner : MR SARFRAZ NAWAZ, MD A RAHMAN,MR. SURAJIT DAS,SAMIM RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

08.10.2026

1. Heard Mr. S. Nawaz, learned counsel appearing for the petitioners. Also heard Mr. D.P. Goswami, learned APP appearing for the State of Assam.

2. By this application the petitioners have prayed for pre-arrest bail in connection with Hojai P.S. Case No. 212 of 2026 registered under Sections 304/189(2)/117(2)/109 of the BNS, 2023.

3. The FIR in connection with which the petitioners apprehend arrest was lodged by one Jaidul Hussain stating *inter alia* that the petitioners and other accused persons are engaged in the business of agar. It is alleged that when the

informant's nephew and brother went to sell agar petitioner Nos. 1 and 2 entered into negotiations with them for purchasing the agar. As the proposed transaction was not agreed to by the informant's nephew and brother an altercation ensued. The informant further stated that the petitioners assaulted his brother and nephew. Thereafter, when the police arrived at the place of occurrence petitioner Nos. 1 and 2 were taken into custody by the police while the remaining petitioners and other accused persons fled from the place of occurrence.

4. The learned counsel appearing for the petitioners submits that the actual facts are otherwise. He submits that the petitioners had lodged an FIR against the informant side and that when the police arrived at the place of occurrence petitioner Nos. 1 and 2 were in fact rescued by the police from being assaulted by the informant side. He therefore submits that the version narrated in the FIR is a concocted one.

5. Mr. D.P. Goswami, learned APP upon perusal of the case diary more particularly the statement of the Investigating Officer submits that the petitioners were in fact assaulted by the informant and his family members and that the petitioners were rescued by the police.

6. Upon consideration of the submissions made by the learned counsel for the parties more so in view of the fact that it appears that there was a mutual altercation between the two parties and no injury reports are found in the case diary, this Court is of the view that the petitioners are entitled to the benefit of pre-arrest bail. Accordingly, the petitioners are enlarged on pre-arrest bail on furnishing a bail bond of Rs. 20,000/- (Rupees twenty thousand) each with one

local surety of the like amount each to the satisfaction of the Arresting Authority subject to the following conditions:

(i) The petitioners shall positively appear before the Investigating Officer within a period of 15 days from today and cooperate with the investigation without any failure,

(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. Accordingly, this Anticipatory Bail application is disposed of.

JUDGE

Comparing Assistant