GAHC010221292026

2026:GAU-AS:15024

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

Case No. : AB/2517/2026

MIZANUR RAHMAN
S/O LATE ISMAIL HUSSAIN, R/O GERUA ATI, PO GERUAATI BAZAR, SUB DIST SAMAGURI, DIST NAGAON, ASSAM, PIN 782140

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR,ASSAM

Advocate for the Petitioner : MR A SHARMA, MR I AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 07-10-2026

Heard Mr. A. Sharma, learned counsel appearing for the accused applicant and Ms. A. Begum, learned Additional Public Prosecutor for the State.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail to the accused applicant, namely, *Mizanur Rahman*, apprehending his arrest in connection with Khatowal P.S. Case No. 27/2026

under Sections 296(b)/109(1)/118(2)/3(5) of the BNS, 2023.

3. The allegation alleged in the FIR dated 14.06.2026 is that the two named accused persons, including the present accused applicant, had a tussle with the informant and his father on 13.06.2026, when the informant's father objected to the accused persons working in their field. It is alleged that the accused persons abused them in filthy language and attacked the father of the informant with a dao, causing grievous injuries.

4. On receipt of the FIR, the police registered the Khatowal P.S. Case No. 27/2026 under the aforementioned sections.

5. Mr. Sharma, learned counsel for the accused applicant, submits that there was a land dispute between the families of the informant and the accused applicant and that, in the heat of the moment, a tussle occurred. However, the injury sustained by the father of the informant is not grievous and is of a simple nature. He further submits that a coordinate Bench of this Court, after perusal of the Case Diary, had granted bail to the co-accused. Therefore, he prays that the same relief may be granted to the accused applicant in the instant case.

6. Ms. Begum, learned Additional Public Prosecutor for the State, on the other hand, opposes the prayer for interim pre-arrest bail of the accused applicant by submitting that the Case Diary in the instant case should be called for.

7. This Court has considered the submissions made by the learned counsel appearing for the respective parties and considering the fact that the co-accused, who was also a named accused in the instant case, has already been granted pre-arrest bail by a coordinate Bench of this Court and also taking into account that the injuries sustained by the father of the informant are of a simple

nature, this Court is of the considered view that the accused applicant should be granted the privilege of pre-arrest bail.

8. Accordingly, it is directed that, in the event of the arrest of the accused applicant, namely, *Mizanur Rahman*, in connection with Khatowal P.S. Case No. 27/2026, he shall be released on pre-arrest bail upon furnishing a bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with one surety of like amount to the satisfaction of the arresting authority, subject to the conditions:

i. that the accused applicant shall appear before the investigating officer within 10 (ten) days from today and thereafter, as and when called for;

ii. that the accused applicant shall not directly or indirectly make any inducement, threat or promise to any person, who may be acquainted with the facts of the case, so as to dissuade such person from disposing such facts before the investigating authority against the accused applicant;

iii. that the accused applicant shall not directly or indirectly attempt to hamper with the investigation and tamper with the evidence of the case in any manner.

9. In terms of the aforesaid direction, the instant anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant