GAHC010225982026

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

Case No. : Bail Appln./3217/2026

SHRI ANIL OJAH AND 2 ORS
SO LATE SAHJAHAN OJAH, R/O. VILL BHELLA, PS BARPETA, DIST BARPETA

2: SHRI REKIBUL ISLAM
SO LATE MAKHLEJ ALI
RO VILL BHELLA
PS BARPETA
DIST BARPETA

3: SHRI YUSUP ALI
SO LATE MAHABUD ALI
RO VILL BHELLA
PS BARPETA
DIST BARPET

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR

Advocate for the Petitioner : MR. N DEKA, MR. S BANIKYA,MR. M GOGOI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 13.10.2026

Heard Mr. N. Deka, learned Senior Counsel assisted by Mr. M. Gogoi, learned Counsel for the petitioners and Mr. DP Goswami, learned Additional Public Prosecutor for the State.

2. By this application, the petitioners have prayed for bail in connection with Belsor P.S. Case No. 99/2026 registered under Sections 305(a)/331(3) of BNS, 2023. The FIR in connection with which the petitioners were arrested on 30.09.2026 was lodged by the victim stating inter alia that when no one was present in his house, some miscreants entered into his house and looted articles along with cash of Rs. 70,000/-.

3. The learned Senior Counsel for the petitioners submits that pursuant to the said FIR, an inquiry was conducted by the police personnel of Belsor Police Station and in the inquiry although it was stated that the CDR related technical data and relevant tower dam were analyzed but in the inquiry report, the identity of the accused persons were not mentioned. The learned Counsel further submits that in the grounds of arrest appended in the forwarding report, no materials were stated on the basis of which the petitioners were arrested.

4. Mr. DP Goswami, learned Additional Public Prosecutor for the State on the other hand on perusal of the Case Diary submits that the petitioners were arrested on some secret information received by the police personnel.

5. Upon consideration of the submissions made by the learned Counsel for the parties, more so, in view of the fact that no materials were stated both in

the inquiry report or in the forwarding report as well as in the Case Diary on the basis of which they were arrested, this Court deems it fit to enlarge the petitioners on bail on furnishing of bail bond of Rs. 20,000/- each with one local surety each of the like amount to the satisfaction of CJM, Nalbari under the following conditions:

i) the petitioners will appear before the Investigating Officer thereafter as and when called for.

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

iii) the petitioners will not leave the place of jurisdiction without the permission of the concerned Court.

6. Petition is disposed of.

JUDGE

Comparing Assistant