GAHC010236312026

2026:GAU-AS:15997

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

Case No. : Bail Appln./3396/2026

JAYNUL AHMED BARBHUIYA AND 2 ORS.
SON OF LATE MAHAMOD ALI BARBHUIYA VIL NIZ PHULBARI PART III PS KATIGORAH DISTRICT CACHAR ASSAM

2: ALTAF HUSSAIN BARBHUIYA

SON OF LATE MAHAMOD ALI BARBHUIYA VIL NIZ PHULBARI PART III PS KATIGORAH DISTRICT CACHAR ASSAM

3: DILWAR HUSSAIN BARBHUIYA

S/O- LT BADRUL ISLAM BARBHUIYA VIL NIZ PHULBARI PART III PS KATIGORAH DISTRICT CACHAR ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR D J HALOI,

Advocate for the Respondent : PP, ASSAM, A NATH (FOR INFORMANT),K G CHOWDHURY (FOR INFORMANT),MR. J M A CHOUDHURY (FOR INFORMANT)

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

02.11.2026

Heard Mr. D.J. Haloi, learned counsel for the petitioners. Also heard Mr. R.R. Kaushik, learned Addl. Public Prosecutor for the State and Mr. J.M.A. Choudhury, learned counsel for the informant.

2. This is an application under Section 483 of BNSS, 2023 for grant of regular bail to the accused petitioners in connection with Katigorah P.S. Case No. 75/2025 registered under Section 117(2)/118(2)/125/126(2)/190/191(3)/296/324(2)/326(g)/329(3) of BNS, 2023.

3. The brief facts of the case is that on 16.11.2025, the complainant Roitun Nessa, wife of Siraj Uddin Barbhuiya, resident of Niz Fulbari Part-II under P.S. Katigorah, lodged a written FIR alleging that a land dispute case is pending before the Silchar Court between her husband and the accused persons in respect of the schedule land situated at 2nd R.S. Porgona Fulbari, Mouza Niz Fulbari Part-II, Patta No. 54, Dag No. 125, vide Title Suit No. 8/2025 dated 06.11.2025 and Misc. Case No. 54/2025 dated 07.10.2025, and that on the same day at about 9:30 AM, the accused persons, namely Altab Hussain Barbhuiya, Jakir Hussain Barbhuiya, Joynul Ahmed Barbhuiya, Nur Ahmed Barbhuiya, Foriz Uddin Laskar, Afjal Hussain Laskar, Hasna Begum Barbhuiya,

Dilwar Hussain Barbhuiya, Jali Begum Barbhuiya, Rofij Uddin, Amir Uddin Laskar, Iqbal Hussain Barbhuiya, Rahul Alom Choudhury, Sabir Hussain Choudhury and Amzad Hussain Choudhury along with others, criminally trespassed into the complainant's house armed with dangerous weapons with the intention of forcibly occupying the said land and cut standing ripe paddy, and when the complainant, her husband Siraj Uddin Barbhuiya and other family members resisted, the accused persons abused them in filthy language, wrongfully restrained and assaulted them with sharp weapons causing grievous injuries, and also pelted stones at the complainant's house and set fire to a portion of the bamboo house, whereupon the case was registered and is under investigation.

4. It is submitted on behalf of the petitioners that the petitioners had earlier approached this Court at the stage of investigation by pre-arrest bail application which was rejected by this Court and subsequently, the petitioners were taken into custody and have spent 45 days behind the bars as of today.

5. It is further submitted that a co-accused of the case namely, Sabir Hussain Choudhury @ Sabir Alom Choudhury and Amzad Hussain Choudhury have been granted bail by the learned Court below vide its Order dated 24.12.2025 upon considering the length of detention and after consideration of the material available in the CD and also the stage of investigation. It is further submitted

that the petitioners are also similarly situated and have spent a longer period of detention than the similarly situated co-accused who had been granted bail as above.

6. The learned Addl. Public Prosecutor submits upon perusal of the CD that there is material to show that FIR named accused persons were involved in the assault resulting in grievous injuries upon the victim.

7. The learned counsel for the informant also submits to the same effect and also stated that the accused side has been threatening the informant's side and in this regard, a complaint has also been filed with the I.O. A copy of the same is available with the learned counsel.

8. The CD as called for has been produced and perused.

9. Having regard to the progress of the investigation as reflected in the CD as well as the fact that similarly situated co-accused persons have also been granted bail as aforesaid and also considering the length of detention of 45 days, further detention of the petitioners is not considered to be necessary.

10. Accordingly, the accused Jaynul Ahmed Barbhuiya, Altaf Hussain Barbhuiya and Dilwar Hussain Barbhuiya are allowed to go on bail on furnishing a bail bond of Rs. 20,000/- (Rupees Twenty Thousand) only each with one suitable local surety of the like amount each to the satisfaction of the Court, subject to the following conditions:

(1) The accused shall appear before the learned Trial Court on each and every date fixed for hearing unless exempted by the Court.

(2) The accused shall cooperate with the investigation and the trial and shall not cause any delay in the proceedings.

(3) The accused shall not tamper with the prosecution evidence nor shall he try to influence, threaten, or intimidate any prosecution witness in any manner.

(4) The accused shall not leave the territorial jurisdiction of the Court without prior permission of the Court.

(5) The accused shall not repeat the offence while on bail.

11. The petition stands allowed and disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant