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2026:GAU-AS:16650

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

Case No. : AB/2756/2026

JAKIR HUSSAIN
S/O LATE KASHEM ALI, VILL- CHENGPATA, P.S. BAGUAN, DISTRICT-GOALPARA, ASSAM.

2: RAJIBUL HAQUE
S/O ALIM UDDIN
RESIDENT OF VILLAGE-CHENGPATA
P.S. BAGUAN
DISTRICT GOALPARA
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR ASSAM.

Advocate for the Petitioner : MR F HAQUE, MR A ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

11.11.2026

Heard Mr. F. Haque, learned counsel for the applicants and Mr. R.J. Borua, learned Additional Public Prosecutor for the State respondent. Also heard Mr. A. Alim Sk., learned counsel for the informant.

2. This application, under Section 482 of the BNSS, is preferred by the applicants, namely, Jakir Hussain and Rajibul Haque, who have been apprehending arrest in connection with Baguan PS Case No. 79/2026, under Sections 189/190/191/109/118(2)/329(3)/351(3) of the BNS, for granting pre-arrest bail.

3. It is to be noted here that the aforesaid case has been registered on the basis of an FIR lodged by one Hashem Ali, on 08.10.2026.

3.1. The essence of allegation made in the FIR, dated 08.10.2026, is that on 06.10.2026, at about 09:00 am, informant's elder brother, namely, Taser Ali, was clearing jungle at Chengpata village for cultivation and at that time, one Jakir Hussain; Rejabul Haque; Alim Uddin; Abdul Baten; Nur Jahan; Bahatun Nessa; and Chaina Bewa, attacked him from behind and inflicted injuries on his head by means of a sharp object, with an intent to kill him and when his nephew, namely, Afjalur Rahman, rushed to the spot to rescue the victim (informant's elder brother), then they also assaulted him with a wooden baton, causing injuries on various parts of his body.

4. Mr. Haque, learned counsel for the applicants, submits that the present applicants are innocent and no way involved with the offence alleged in the FIR and that they are ready to cooperate with the investigating agency. Mr. Haque further submits that though the names of the present applicants find mention in the FIR, yet some of persons, whose name find mentioned in the FIR, have been released on pre-arrest bail by this Court, in AB No. 2694/2026 and therefore, he has contended to allow this application.

5. Per-contra, Mr. Borua, learned Additional Public Prosecutor, has produced the case diary before this Court and submits that the IO has collected sufficient

incriminating materials against the applicants and therefore, he has contended to dismiss this application.

6. On the other hand, Mr. Alim, learned counsel for the informant, has produced two photographs of the victim and submits that the injuries sustained by him are grievous in nature and the same is on a vital part of his body and that the victim is still undergoing treatment. Mr. Alim further submits that the applicants are threatening the informant to withdraw the case and under such circumstances, he has contended to dismiss this application.

7. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the petition as well as the documents placed on record and also perused the case diary with the assistance of learned Additional Public Prosecutor.

8. The case diary indicates that the IO has collected sufficient incriminating materials against the applicants. Further, the injuries sustained by the victim appear to be on vital part of his body and the same are grievous in nature and he is still undergoing treatment. Further, the investigation is still going on and as such, it cannot be said that the custodial interrogation of the applicants is not warranted in the interest of investigation.

9. Accordingly, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be extended to the applicants and therefore, the same is dismissed.

10. Case diary be returned.

JUDGE

Comparing Assistant