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2026:GAU-AS:16488

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

Case No. : AB/2776/2026

RUHUL ISLAM
S/O NURUL HOQUE ,R/O BORDOLOI PATHAR , P.O AND P.S-LANKA , DIST.-HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP ASSAM

Advocate for the Petitioner : MR. T CHUTIA, L AWOMI

Advocate for the Respondent : PP, ASSAM, D I LASKAR(INFORMANT),TAWHID LASKAR(INFORMANT)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

10.11.2026

Heard Mr. T. Chutia, learned counsel for the applicant and Mr. K. K. Das, learned Additional Public Prosecutor for the State respondent No. 1. Also heard Mr. D. I. Laskar, learned counsel for the respondent No. 2/informant.

2. This application, under Section 482 of the BNSS, 2023, is preferred by the applicant, namely, **Ruhul Islam**, who has been apprehending his arrest in connection with Lanka P.S. Case No. 259/2026, under Sections 61(2)/45/55/109 of the BNS, 2023, for grant of pre-arrest bail.

3. It is to be noted here that the above noted case has been registered on the basis of one FIR lodged by one Abdul Malik, on 15.10.2026.

4. The essence of allegation in the FIR, dated 15.10.2026, is that one Ruhul Islam attempted to kill him deliberately by ramming his Thar vehicle upon him and he also engaged his associates, namely, Nasir Uddin and Baharul Islam to kill him.

5. Mr. Chutia, learned counsel for the applicant submits that the applicant is innocent and no-way involved with the offences alleged in the FIR and that there was enmity between the applicant and the informant, and the applicant had instituted several cases against the informant. He also submits that he is ready to cooperate with the investigating agency and will abide by any condition imposed by this Court and under such circumstances, he has contended to allow this application.

6. Per contra, Mr. Das, learned Additional Public Prosecutor has vehemently opposed the petition. By producing the case diary before this Court, he submits that the I.O. has collected sufficient incriminating materials against the applicant. And the allegations are serious and custodial interrogation of the applicant is required in the interest of the investigation, and under such circumstances, he has contended to dismiss this application.

7. Mr. Laskar, learned counsel for the informant, also vehemently opposed the application. He submits that the allegations are serious and there is overt act on the part of the applicant to kill the informant and under such circumstances, he has contended to dismiss the application.

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

9. The case diary indicates that the I.O. has collected some incriminating materials against the present applicant. Besides, the offences are serious in nature. Investigation is going on and at this stage, it cannot be said that custodial interrogation of the applicant is not required in the interest of investigation. His custodial interrogation seems to be indispensible in the interest of the investigation.

10. And accordingly, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be granted to the applicant. And accordingly, this anticipatory bail application stands dismissed.

11. Case diary be returned.

JUDGE

Comparing Assistant