

GAHC010283422025



2026:GAU-AS:172

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

Case No. : Bail Appln./4104/2025

ATOWAR RAHMAN
SON OF LATE SOLEMAN ALI ALIAS LATE SOLEMAN ALI
SARKAR, RESIDENT OF VILLAGE- JALABILA, P.O.- JALABILA, P.S.
BAGRIBARI, DISTRICT- KOKRAJHAR, ASSAM. PIN 783348

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. T SK, MS M MALIK, MR R KARIM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 06.01.2026

Heard Mr. R. Karim, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

2. This application filed under section 483 of the Bharatiya Nagarik

Suraskha Sanhita, 2023, the accused petitioner namely, **Atowar Rahman**, has prayed for bail in connection with Bagribari P.S. Case No. 74/2025 under Section 62/61(2)/87/74/118(2)/332(b)/331(6)/3(5) of BNS, 2023.

3. The petitioner stated to be aged about 60 years who was arrested on 10.12.2025.

4. The case arose out of an FIR dated 15.11.2025 lodged by one Johirul Hoque, alleging that on the said date at about 12:00 midnight, the two accused persons named therein, namely Ayub Khan Choudhury and Mofidul Hoque, along with 15–16 others, came to their house in four-wheelers and two-wheelers, wearing army uniforms, and illegally entered the house of the informant's elder brother, Mohor Uddin. It is alleged that accused No. 1 attempted to abduct his sister-in-law, Julekha Bibi, but upon raising an alarm, the villagers rushed to the spot and intervened. At that time, the accused persons assaulted the informant's side with iron rods, causing injuries to the informant, his brother, his sister-in-law, and others. The two accused persons named in the FIR were apprehended, while the remaining accused managed to escape.

5. It is submitted by the learned counsel for the petitioner that the two accused persons named in the FIR had themselves sustained injuries resulting in fractures. In this regard, the petitioner has drawn attention to the annexed medical documents indicating that Ayub Khan Choudhury was admitted to the hospital from 16.11.2025 to 25.11.2025, and the medical report reflects the presence of fractures. It is further submitted that in connection with the said incident, another FIR was lodged on the same date, naming five accused persons and alleging that they caused grievous

injuries to Ayub Khan Choudhury, who is stated to be the brother of the informant in the said FIR.

6. The case diary has been received.

7. The learned Additional Public Prosecutor submits that it appears to be case of mutual assault and though the present petitioner is not named in the FIR but these are implications against him as well. The investigation has stated to have progressed reasonably and medical report is received.

8. In the facts and circumstances and considering the length of detention as on date – I am of the considered view that he can be released on bail at this stage, subject to conditions.

9. Accordingly, the accused-petitioner, named above, shall be released on bail in connection with Bagribari P.S. Case No. 74/2025 under Section 62/61(2)/87/74/118(2)/332(b)/331(6)/3(5) of BNS, 2023, on furnishing bail bond of **Rs.30,000/-** with one suitable surety of the like amount to the satisfaction of learned concerned court.

10. The direction for bail is further subject to the following conditions:

- (a) That the petitioner shall cooperate with remaining investigation;
- (b) That the petitioner shall be available for trial in the event of charge sheet being filed and trial commencing against him;
- (c) That the petitioner shall not hamper or tamper with evidence;
- (d) That the petitioner shall not in any manner try to influence any witnesses; and

(e) That the petitioner shall not misuse his liberty to commit any offences or illegal activities.

11. Violation or breach of any condition(s) shall entail cancellation of bail.

12. With the above observations, this bail petition stands **allowed** and disposed of accordingly.

13. Send back the case diary.

JUDGE

Comparing Assistant