

GAHC010008252026



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

Case No. : AB/120/2026

MD MOHIR UDDIN AND ANR
SON OF JAHER ALI, RESIDENT OF VILL MERERCHAR, P.S. MERERCHAR,
DIST BONGAIGAON (RETIRED FROM SERVICE)

2: ABDUL JALIL @ ABDUL JALIL MIAH
SON OF JAHER ALI
RESIDENT OF VILL MERERCHAR
P.S. MERERCHAR
DIST.- BONGAIGAON. (SERVING AS AT MERERCHAR HS SCHOOL

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A ROSHID, MS. T BEGUM

Advocate for the Respondent : PP, ASSAM, MR S K CHHETRY(INFORMANT),MR. N
UDDIN(INFORMANT)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

25.02.2026

Heard Mr. A. Roshid, learned counsel for the accused/applicants. Also
heard Mr. K.K. Parasar, learned APP for the State and Mr. S.K. Chhetry, learned

counsel for the informant.

2. This is an application under Section 482 of the BNSS, 2023, for grant of pre-arrest bail to the accused/applicants in connection with Mererchar P.S. Case No. 45/2025 registered under Section 189(2)/103(1) of the BNS, 2023.

3. The prosecution case in brief is that on 08.12.2025, the informant, Akbar Ali, lodged an FIR at Mererchar Police Station inter alia stating that on the previous day, i.e., 07.12.2025, at about 11:30 PM, while his father was returning home from Paltanbazar after attending a religious meeting, the accused/applicants, along with six other co-accused persons, allegedly assaulted his father on the road in front of the house of accused No. 1, namely Kashem Ali, causing serious injuries. Upon hearing the hue and cry, the informant and others came to the spot and found the victim lying on the ground in a pool of blood. He was immediately taken to the hospital at Abhayapuri and subsequently referred to Bongaigaon Hospital, where he was declared dead.

4. On receipt of the FIR, the police registered Mererchar Police Station Case No. 45/2025 under the aforementioned sections.

5. The learned counsel for the accused/applicants submits that both accused persons are approximately 61 years of age and have not been involved in assaulting the father of the informant. He further submits that the accused/applicants were returning from a religious function, accompanying other co-accused persons, and upon reaching the place of occurrence, they found the said co-accused persons allegedly assaulting the informant's father. He contends that the accused/applicants have not committed any criminal act and are willing to fully cooperate with the investigation in the instant case. In

view of these circumstances, he prays that the accused/applicants may be released on bail.

6. The case diary in the instant case has been produced before this Court. Upon perusal of the case diary, it is observed that there is no prima facie materials implicating the accused/applicants in the alleged offence as stated in the FIR. In view of the same, this Court is of the considered opinion that the accused/applicants are entitled to pre-arrest bail at this stage.

7. Accordingly, it is directed that in the event of arrest of the accused/applicants in connection with the aforesaid case, they shall be released upon furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand only) each with a surety of the like amount to the satisfaction of the arresting authority, subject to the following condition:

(i) That the accused/applicants shall appear before the Investigating Officer (I.O.) within a period of 10 days and shall fully cooperate with the investigation.

8. In terms of the aforesaid directions, the instant anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant