

GAHC010018482026



2026:GAU-AS:3057

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

Case No. : AB/254/2026

ABU SAMA AND 3 ORS.
FATHER- LATE HASEN ALI
R/O UDHANTALA, DHING, NAGAON, P.S. DHING
DIST. NAGAON, ASSAM

2: ANARUL HAQUE
FATHER-ABU HANIFA
R/O UDHANTALA
DHING
NAGAON
P.S. DHING
DIST. NAGAON
ASSAM

3: PARBIN SULTANA @ PARBINA BEGUM
W/O ABU SAMA
R/O UDHANTALA
DHING
NAGAON

P.S. DHING

DIST. NAGAON
ASSAM

4: SIDIQUE ALI @ SIDIQUE RAHMAN
FATHER-MANSUR ALI
R/O ROUMARI
P.S. DHING
DIST. NAGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR MINTU SAIKIA, MS R DUTTA
Advocate for the Respondent : PP, ASSAM, S KHAN, MR. M HOSSAIN

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

27.02.2026

1. Heard Mr. N. Saikia, learned counsel for the petitioners. Also heard Ms. A. Begum, learned Additional Public Prosecutor for the State and Mr. M. Hussain, learned counsel for the informant.
2. By this application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners, namely, **(1) Abu Sama (2) Anarul Haque (3) Parbin Sultana @ Parbina Begum (4) Sidique Ali @ Sidique Rahman**, have prayed for granting pre-arrest bail in connection with **Dhing P.S. Case No. 116/2025**, registered under **Section 103(1) of BNS, 2023**.
3. The FIR dated 03/05/2025 reveals that on 02.05.2025 at around 1 PM, accused No. 1 i.e. the husband of the victim started a quarrel with the victim over some landed property and on the direction given by the petitioner Nos. 2, 3, and 4, tied the victim with a rope and threw kerosene oil on the victim and set her on fire. The villagers gathered upon hearing the scream of the victim and police was informed, who came to the place of occurrence and had sent the victim to the hospital. It is stated that during the treatment, the victim died at around 8 PM.

4. Learned counsel for the petitioner submits that the victim had given a dying declaration before the doctor wherein she stated that her husband had set her on fire, i.e. accused No. 1. He submits that the victim had not stated about the others in her dying declaration.

5. In the charge sheet it is stipulated that from the day of her marriage, the victim was subjected to continuous physical and mental torture by accused persons which however is not possible by the son of the victim. Writing the son of the victim to have tortured his mother since the day of the marriage is a total non-application of mind.

6. On the other hand, Ms. A. Begum, learned Additional Public Prosecutor submits that the statements of the witnesses shows that all the petitioners were present when the victim was tied up and was set on fire by the husband of the victim to which none of the petitioners had tried to save the victim at that juncture. She submits that even the son i.e. petitioner No. 2 was also present when his mother was tied up and was set on fire but he did not object and that it is only after she was burnt to a very great extent that the son started pouring water on his mother. As such, she submits that all the petitioners were hand and gloves with accused No. 1 in setting the victim on fire.

7. Mr. M. Hussain, learned counsel for the informant also submits that dying declaration is given by the victim before the villagers as well where she has named the accused persons and the witnesses have also taken the names of all the accused persons to have helped accused No. 1 in setting the victim on fire.

8. On consideration of the submissions made by all the counsels and on

perusal of the documents, it is seen that the victim was tortured by petitioner Nos. 1, 3, along with her husband since the day of her marriage and that on 02/05/2025 as per the dying declaration of the victim recorded by the doctor, the husband of the victim, i.e. accused No. 1 had set fire on the victim due to which the victim died on the same day at 8 PM.

9. It is also stated in the charge-sheet that two of the independent witnesses have stated that petitioner No. 2, i.e. the son of the victim had transported the victim in an auto rickshaw accompanied by two other women and one man to the house of petitioner No.4 who directed petitioner No. 2 to leave the scene and thereafter, the victim was taken by the same two women to the hospital for medical treatment. As such, it is seen that the petitioner No. 4 was not present at the place of occurrence when the victim was set on fire.

10. Further, it is in the evidence of the independent witness that after the occurrence, petitioner No. 2 is seen to have pouring water upon his mother and by the charge sheet it is seen that he took his injured mother in an autorickshaw to the house of petitioner No. 4.

11. As such, this court deems it fit to enlarge petitioner Nos. 2 and 4 on pre-arrest bail.

12. However, this court also finds it fit not to enlarge petitioner Nos. 1 and 3 on pre-arrest bail. Accordingly, their anticipatory bail application stands rejected.

13. It is provided that in the event of arrest of the petitioner Nos. 2 and 4, named above, in connection with above mentioned case, they shall be

released on furnishing bail bond of **Rs.20,000/- each** with one local surety each of the like amount, to the satisfaction of learned CJM, Nagaon.

The direction for pre-arrest bail is subject to the conditions:

- (a) The petitioner Nos. 2 and 4 would appear before the trial court within a period of 10 days from the date of this order and co-operate with the trial and would appear before the trial court as and when called for.
- (b) The petitioner Nos. 2 and 4 would not influence other witnesses connected with the offence.

14. Accordingly, this anticipatory bail application stands **disposed of**.

JUDGE

Comparing Assistant