

GAHC010041742026



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

Case No. : AB/464/2026

LAZIZUL HOQUE PRODHANI AND 4 ORS.
SON OF ABDUL JALIL PRODHANI
RESIDENT OF VILL- SERFANGURI NO. 2, P.S. GOSSAIGAON, DIST.
KOKRAJHAR, ASSAM

2: SAIDUL ISLAM
SON OF MOJIBOR SK
R/O VILL- 2 NO. SERFANGURI
P.S. GOSSAIGAON
DIST. KOKRAJHAR
BTC
ASSAM

3: RAFIQUL ISLAM
SON OF ABDUL GOFUR
RESIDENT OF VILL- BHOMRABIL NO. 2
P.S. GOSSAIGAON
DIST. KOKRAJHAR
ASSAM.

4: HAIDAR ALI SK. @ HAIDAR ALI
S/O ABDUL GOFUR
R/O VILL- BHOMRABIL NO.2
P.S. GOSSAIGAON
DIST. KOKRAJHAR
ASSAM.

5: NOWSHAD ALI
S/O RUHUL AMIN
R/O VILL- 2 NO. PADMAPUKHURI
P.S. GOSSAIGAON
DIST. KOKRAJHAR
BTC
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED, MR A AHMED, MISS. P M AHMED, MR. M A CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA

O R D E R

09.03.2026

Heard Mr. A. Ahmed, learned counsel for the petitioners. Also heard Mr. B. Sharma, learned Additional Public Prosecutor.

[2] This application under Section 482 of BNSS, 2023 has been filed by the petitioners namely (i) Lazizul Hoque Prodhani, (ii) Saidul Islam (iii) Rafiquul Islam, (iv) Haidar Ali Sk. @ Haidar Ali, and (v) Nowshad Ali, who are apprehending their arrest in connection with Gossaigaon P.S Case No.28/2026 under Sections 189/191/121/132/221/ 117(2)/324(4) of BNS read with Section 3 of the Prevention of Damage to Public Property Act, 1984.

[3] The gist of accusation in this case is that on 09.02.2026, one Hirak Jyoti Senapati, Sub Inspector of Police of Gossaigaon police station had lodged an F.I.R before the Officer-in-Charge of Gossaigaon Police Station, inter-alia, alleging that on 09.02.2026 at about 8:30 a.m., it came to the notice of the police that one truck bearing registration No.AP39-UU-2977 was illegally parked adjacent to the toll gate near Telipara Toll Plaza. It is further stated in the F.I.R that due to the illegal parking of the said truck, vehicular traffic was obstructed and when toll plaza staffs requested removal of the said vehicle, a

mob gathered there and started rising slogans against police and also started shouting provocative slogans. It is further alleged in the F.I.R that when the police arrived there and tried to maintain law and order, the mob became violent and attacked the police personnel including the SDPO, Gossaigaon and the Officer-in-Charge of Gossaigaon Police station. It is further alleged that the mob also started making communal slogans and were led by the FIR named accused persons namely Rafiqul Islam, Haidar Ali and Abdul Halim.

[4] Mr. A. Ahmed, learned counsel for the petitioners has submitted that in respect of the same incident, an F.I.R was also lodged by the owner of the truck which was parked at the spot and on the basis of the said F.I.R, Gossaigaon P.S Case No.30/2026 was registered. He further submits that a third F.I.R was also registered in respect of the same incident. The said F.I.R was filed by one Mukesh Kumar, who is stated to be the Manager of the Telipara toll plaza. Learned counsel for the petitioner submits that all the petitioners were apprehended in the case which was registered on the basis of the third F.I.R filed in the incident i.e. Gossaigaon P.S Case No.29.2026. He further submits that later on, the petitioners were granted bail by the Court of learned SDJM(M), Gossaigaon in Gossaigaon P.S Case No.29/2026 on 21.02.2026. He also submits that during the period when the petitioners were in custody in connection with Gossaigaon P.S Case No.29/2026, no prayer for arresting them in connection with Gossaigaon P.S Case No.28/2026 was made. However, now the police is searching for the petitioners after they got bail in the Gossaigaon P.S Case No.29/2026. He submits that since the subsequent FIRs are filed in connection with the same incident, separate cases ought not to have been registered. He further submits that the petitioners are ready to co-operate with the investigation of Gossaigaon P.S Case No.28/2026. However, since they are apprehending that they may be

arrested in connection with Gossaigaon P.S Case No.28/2026, they may be granted some protection.

[5] On consideration of the submissions made by the learned counsel for the petitioners, it appears that perusal of the Case Diary of Gossaigaon P.S Case No.28/2026 as well as Gossaigaon P.S Case No.29/2026 would be necessary in this case.

[6] Hence call for the same.

[7] Let this matter be listed again on **30.03.2026**.

[8] However, in the meanwhile, considering the submissions made by the learned counsel for the petitioners, as discussed in the forgoing paragraphs, the petitioners are directed to appear before the Investigating Officer of Gossaigaon P.S Case No.28/2026 within a period of 10(ten) days from today and co-operate with the investigation. If they do so within the stipulated period of time, in the event of their arrest in connection with Gossaigaon P.S Case No.28/2026, they shall be allowed to go on bail of Rs.30,000/- (rupees thirty thousand) each with one surety of like amount subject to the following conditions:-

(I) That the petitioners shall co-operate in the investigation;

(II) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts before the Investigating Officer or to any Court.

[9] List accordingly.

JUDGE

Comparing Assistant