

GAHC010125662026



2026:GAU-AS:8970

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

Case No. : AB/1368/2026

RAFIKUL ISLAM AND 5 ORS.
SON OF HARUN RASID, RESIDENT OF CHATIAN, NEAR JAME MASJID, P.O.
TINSUKIA JURIA, RUPAHI, IN THE DISTRICT OF NAGAON, ASSAM, PIN
782124.

2: ABDUL KADER

SON OF GIAS UDDIN
RESIDENT OF CHATIAN
NEAR JAME MASJID
P.O. TINSUKIA JURIA
RUPAHI
IN THE DISTRICT OF NAGAON
ASSAM
PIN 782124.

3: NAJIM UDDIN

SON OF NURUDDIN MOULANA
RESIDENT OF CHATIAN
NEAR JUKATI BAZAR
P.O. TINSUKIA JURIA
RUPAHI
IN THE DISTRICT OF NAGAON
ASSAM
PIN 782124.

4: JIYA UDDIN

SON OF NURUDDIN MOULANA
RESIDENT OF CHATIAN
NEAR JAME MASJID
P.O. TINSUKIA JURIA
RUPAHI
IN THE DISTRICT OF NAGAON

ASSAM
PIN 782124.

5: RIYAJ UDDIN
SON OF NURUDDIN MOULANA
RESIDENT OF CHATIAN
NEAR JUKATI BAZAR
P.O. TINSUKIA JURIA
RUPAHI
IN THE DISTRICT OF NAGAON
ASSAM
PIN 782124.

6: SAMSUL HUDA
SON OF HARUN RASID
RESIDENT OF CHATIAN
NEAR JAME MASJID
P.O. TINSUKIA JURIA
RUPAHI
IN THE DISTRICT OF NAGAON
ASSAM
PIN 782124

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. M R SODIAL, MR. RAJIB ALI,MR. M H SAIKIA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA**

ORDER

22.06.2026

Heard Mr. R. Ali, learned counsel for the petitioners. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State.

2. This is an application under Section 482 of BNSS, 2023 praying for the grant of pre-arrest bail to the petitioners, namely, **(1) Rafikul Islam (2) Abdul Kader (3) Najim Uddin (4) Jiya Uddin (5) Riyaj Uddin and (6) Samsul Huda** in connection with Juria P.S. Case No. 316/2023 arising out of PRC Case No. 1057/2024 under Section 143/147/148/447/326/307 of IPC, 1860.

3. The brief fact of the case is that on 16.12.2023, informant Ahmad Ali lodged an FIR alleging inter-alia that at about 12:30 pm, the FIR named accused persons have criminally trespassed to the informant's land and when the informant and his family prevented the accused persons from doing so, then the accused persons assaulted his family members with sharp weapons and as a result of which they sustained grievous injuries and were admitted to Nagaon Civil Hospital.

4. Based on the strength of the said FIR, the same was registered as Juria P.S. Case No. 316/23, under Section 143/147/148/447/326 IPC and later charge sheeted vide C/S No. 50/24 dated 31.03.2024 under Section 143/147/148/447/326/307 Indian Penal Code, 1860, wherein the petitioners has been shown as a charge sheeted absconder.

5. The case is now pending for committal as some of the sections are sessions triable but due to non appearance of the accused persons, non-bailable

warrant of arrest has been issued against them, including the petitioners. It is submitted that an exaggerated FIR has been lodged against the petitioners as there is a land dispute between the two sides and in this regard, one FIR was also lodged by the accused's side against the informants side which is registered as Juria P.S. Case No. 318/2023, under Sections 143/147/148/325/326.

6. Upon perusal of the medical report, it appears that the injuries are simple in nature and therefore, Sections 326/307 of Indian Penal Code may not be attracted.

7. Another accused Saiful Islam was granted pre-arrest bail by order dated 16.06.2026 in AB No. 837/2026.

8. Having regard to the above and also to the apprehension of the petitioners that, upon the appearance, they may be remanded to custody as the some of the alleged offences are sessions triable, it is provided that the petitioners shall be released on bail on furnishing a bail bond of Rs. 50,000/- each with one surety of the like amount to the satisfaction of the Arresting Authority in the event of the arrest/appearance in connection with the aforesaid case. It is further directed that the petitioners shall co-operate in the trial, if one commences against them and shall not try to intimidate or influence the witnesses in any manner.

9. The petition stands disposed of accordingly.

JUDGE

Comparing Assistant