

GAHC010133072026



2026:GAU-AS:10596

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

Case No. : AB/1507/2026

ANOWAR HUSSAIN KHAN AND 4 ORS
S/O- LT. SURAT KHAN, R/O- VILL.- FULKIPARA, P.O. AND P.S. HOWLY, DIST.
BARPETA, ASSAM, PIN- 781316.

2: SHAHADAT ALI KHAN
S/O- ANOWAR HUSSAIN
R/O- VILL.- FULKIPARA
P.O. AND P.S. HOWLY
DIST. BARPETA
ASSAM
PIN- 781316.

3: SHAHAB ALI KHAN
S/O- ANOWAR HUSSAIN
R/O- VILL.- FULKIPARA
P.O. AND P.S. HOWLY
DIST. BARPETA
ASSAM
PIN- 781316.

4: SHAHANUR ISLAM KHAN
S/O- ANOWAR HUSSAIN
R/O- VILL.- FULKIPARA
P.O. AND P.S. HOWLY
DIST. BARPETA
ASSAM
PIN- 781316.

5: SALEHA BEGUM
W/O- ANOWAR HUSSAIN
R/O- VILL.- FULKIPARA
P.O. AND P.S. HOWLY
DIST. BARPETA
ASSAM

PIN- 781316

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MD B ISLAM, MR. A A MONDAL,MR A ALAM,MR. S UDDIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SHAMIMA JAHAN
ORDER

31.07.2026

Heard Mr B Islam, learned counsel for the petitioners. Also heard Mr B Sarma, learned Additional Public Prosecutor for the State of Assam.

2. By this application, the petitioners have prayed for pre-arrest bail in connection with Howly P S Case No. 68/2026, under Sections 117(2)/118(2)/329/189/191(3) of the BNS, 2023.

3. The FIR in connection with which the petitioners apprehend arrest was lodged by the informant stating, *inter alia*, that on the date of occurrence, the accused persons, i.e., the petitioners, on a pre-plan, came inside the land of the son of the informant and that the accused No. 1, i.e., petitioner No. 5 had hit the informant on his head. It is also alleged that other accused persons had hit the son of the informant on his head causing serious injury and another victim, namely, Azizur Rahman. It is also stated that the son of the informant was taken to the hospital after he sustained injury, i.e., to Barpeta Government Hospital, but he was referred to Guwahati for further treatment.

4. The learned counsel for the petitioners submits that there was a land dispute between the petitioner's side and the informant's side and on the date of occurrence, at

the spur of the moment, there was a fight between the parties and both the parties had sustain injuries.

4. On the other hand, Mr B Sarma, the learned Additional Public Prosecutor for the State submits on perusal of the Case Diary that the witnesses have stated that the petitioners had hit on the head of the informant as well as to his son and another person, namely, Azizur Rahman. He submits that as far as injury on the body of the informant and the other person are concerned, the same is simple in nature. However, he submits that the injury report in connection with the son of the informant is not available in the records.

5. Be that as it may, it can be seen that the son of the informant had received serious injuries as he was referred to Guwahati for better treatment.

6. It is seen that petitioner No. 5 was enlarged on interim pre-arrest bail by order dated 02.07.2026 and it is stated by the learned Additional Public Prosecutor for the State that the statement of petitioner No. 5 was recorded by the Police Officer on her appearance before the said Officer.

7. In view of the same, it is as such seen that the petitioner No. 5 had cooperated with the investigation and as such, the order dated 02.07.2026, granting her interim bail stands absolute. Petitioner No. 5, as such is allowed to remain on pre-arrest bail. As far as petitioner Nos. 1 to 4 are concerned, this Court has noticed that there was a fight on the day of occurrence amongst the parties and an FIR was also lodged against the informant's side from the petitioner's side and the petitioner's side have also received injuries. As such, this Court deems it fit to enlarge the petitioner Nos. 1 to 4, on pre-arrest bail on furnishing a bail bonds of Rs. 20,000/- each, with one local surety each to the satisfaction of the arresting authority, under the following conditions:-

- i) the petitioners shall appear before the Investigating Officer within 10 (ten) days from the date of the order; and
- ii) the petitioners shall not hamper and tamper with the evidence of the case, and/or influence the witnesses.

iii) the petitioners will not leave the place of their residence without the permission of the learned Court.

7. The Anticipatory Bail Application stands disposed of.

JUDGE

Comparing Assistant