

GAHC010145942025



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

Case No. : AB/1560/2025

MD. RAJAB ALI AND ANR
S/O- HAYAD ALI.
R/O- NEAR MASJID PORAVITA, P.S.- FAKIRGANJ,
DIST.- DHUBRI, PIN-783330.

2: ASHRAFUL ISLAM
S/O- MD. RAJAB ALI.
R/O- PORAVITA
P.S.- FAKIRGANJ

DIST.- DHUBRI
PIN-783330.

3: KHABIRAN BIBI
C/O-. MD. RAJAB ALI.
R/O- NEAR MASJID PORAVITA
P.S.- FAKIRGANJ

DIST.- DHUBRI
PIN-783330.

4: ABDUL JALIL MIAH @ JOLIL
S/O- ABDUL BAREK MIAH.
R/O- MAHAJANPARA
P.O.- JAMADARHAT
DIST.- DHUBRI

5: SAMIDA KHATUN
C/O- ABDUL JALIL MIAH.
R/O- MAHAJANPARA
P.O.- JAMADARHAT
DIST.- DHUBRI

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : M. HOSSAIN, M. HOSSAIN, MD M ISLAM, MR. R A CHOUDHURY, MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER

23.07.2025

Heard Mr. H. R. A. Choudhury, learned Senior Counsel assisted by Mr. M. Hossain, learned counsel for the petitioners. Also heard Mr. J. Chutia, learned Additional Public Prosecutor for the State respondent.

2. This is an application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for grant of pre-arrest bail to the petitioners in connection with Fakirganj P. S. Case No. 42/2025, registered under Sections 61(2)/103 of BNS.

3. Mr. Choudhury, learned Senior Counsel for the petitioners, submits that the petitioners are the mother-in-law, father-in-law, brothers-in-law, and sister-in-law of the deceased. He further submits that, from the FIR itself, it appears that the victim/deceased was found lying unconscious on the bank of a river, from where she was taken to Chirakuti Hospital by some local persons. The attending doctor referred her to Goalpara/Dhubri Civil Hospital. Accordingly, the present petitioners were informed about the incident. However, she was declared dead by the doctor. He further submits that the FIR was lodged merely on suspicion, and the petitioners are not at all involved in the alleged offence. He also submits that the husband of the

deceased has already been arrested in connection with the case. Nevertheless, the petitioners are ready and willing to cooperate with the Investigating Officer in the further investigation, if granted interim protection.

4. In this regard, Mr. Chutia, learned Additional Public Prosecutor, submits that this is a case of murder, and a bail petition filed earlier was rejected by the learned Sessions Judge, Dhubri after perusal of the case diary, which revealed the involvement of all the petitioners. Accordingly, he raised objection and insisted to call for the case diary at this stage to ascertain the actual facts of the case.

5. Considering the submissions made by learned counsel for both sides, and without delving into the merits of the case at this stage, but taking into account the age of petitioner Nos. 1 and 3, I find it a fit case to grant the privilege of interim pre-arrest bail to petitioner Nos. 1 and 3, till receipt of the case diary. However, the prayer for interim protection in respect of petitioner Nos. 2, 4, and 5 is not allowed.

6. Accordingly, it is provided that in the event of arrest of the accused/petitioners, namely, **1. Md. Rajab Ali**, and **3. Khabiran Bibi**, in connection with Fakirganj P. S. Case No. 42/2025, under Sections 61(2)/103 of BNS, they shall be enlarged on interim pre-arrest bail on their executing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioner Nos. 1 and 3 shall make themselves available for interrogation by the Investigating Officer within 7(seven) days.
- (ii) that the petitioner Nos. 1 and 3 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer; and

(iii) that the petitioner Nos. 1 and 3 shall not leave the jurisdiction of the concerned jurisdictional Magistrate, without prior permission.

7. In the meantime, call for the Case Diary.

8. List the matter again on **13.08.2025**.

JUDGE

Comparing Assistant