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

Case No. : AB/1951/2025

BILALUDDIN AND ANR
SON OF LATE SHAKOT ALI
RESIDENT OF BEBASTHAN P.S. MURAJHAR, DIST. HOJAI, ASSAM

2: HIFJUR RAHMAN
SON OF BILAL UDDIN
R/O DEBASTHAN
P.S. MURAJHAR
DIST. HOJAI
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, MS SURAYA RAHMAN, MR A W AMAN, SAMIM RAHMAN, MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : --14.08.2025

Heard Ms. S. Nawaz, the learned counsel for the petitioners. Also heard

Mr. B. Sharma, the learned Additional Public Prosecutor appearing on behalf of the State respondent.

2. This is an application u/s 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for granting pre-arrest bail to the accused petitioners in connection with Murajhar P.S. Case No. 20/2025 u/s 117(2)/109 of Bharatiya Nyaya Sanhita (BNS), 2023.

3. It is submitted by Mr. Nawaz that the present accused/petitioners are the nephew and grand-nephew of the informant and the other co-accused, namely, accused nos. 3 & 4 in the FIR are also the son and grand-son of the informant. This is a dispute between the family members and further he submitted that the case is registered u/s 117(2) and 109 BNSS and there is no allegation of any attack in the vital parts of the chest nor there was any sharp weapon was used and accordingly he submitted that the case does not attract Section 117(2) BNSS and there is no ingredients to attract Section 109 BNSS. However, both the petitioners are ready and willing to extend their cooperation in further investigation of this case, if they are granted with some interim protection.

4. Mr. Sharma, the learned Additional Public Prosecutor raised objection and submitted that from the FIR itself it is seen that the present petitioners along with the other accused-persons not only fractured the hand of the victim but also attacked in his vital parts i.e. chest, neck, head and leg and accordingly insisted to call for the Case Diary along with the Medical Report.

5. Hearing the submissions made by learned counsel for both sides, considering the materials in the statement of the FIR, I find it a fit case to grant the privilege of interim pre-arrest bail to the accused/petitioners, till receipt of the case diary.

6. Accordingly, it is provided that in the event of arrest of the accused/petitioners, namely, [1] Bilal Uddin and [2] Hifjur Rahman, in connection with Murajhar P.S. Case No. 20/2025 u/s 117(2)/109 of Bharatiya Nyaya Sanhita (BNS), 2023, 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 petitioners shall make themselves available for interrogation by the Investigating Officer within 7(seven) days;
- (ii) that the petitioners shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. case; and
- (iii) that the petitioners shall not, directly or indirectly, make any inducement, threaten or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

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

8. List the matter again on **15.09.2025.**

JUDGE

Comparing Assistant