

GAHC010238362025



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

Case No. : AB/2588/2025

ASMA BIBI ALIAS SOLEMA BIBI AND ANR
W/O SOLEMAN ALI
R/O MADHUSOULMARI PT.II (KHAS KHAMAR), P.S. GAURIPUR, DIST.
DHUBRI, ASSAM

2: ATINUR RAHMAN
S/O NAWSHAD ALI
R/O MADHUSOULMARI PT.II (KHAS KHAMAR)
P.S. GAURIPUR
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, S R DAS,MR. A T SARKAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 27.02.2026

Heard Mr. HRA Choudhury, learned Senior Counsel assisted by Mr. A.T.

Sarkar, learned Counsel for the petitioners and Mr. M.P. Goswami, learned Additional Public Prosecutor appearing for the State.

2. By this application, the petitioner prays for pre-arrest bail in connection with Gauripur P.S. Case No. 234 of 2025 registered under Section 61(2)/103(1) of BNS, 2023.

3. The case started with the FIR lodged by the wife of the deceased as well as another FIR lodged by the mother of the deceased wherein it was stated that on 21.05.2025 in the evening at about 08:00 pm, eight numbers of accused persons including the petitioner no.1 is alleged to have in a pre plan manner killed the husband of the informant. The name of the petitioner no.1 finds mention in the first FIR which is lodged by the wife of the deceased as the accused person. It is also alleged in the FIR that the said eight numbers of accused persons had killed her husband by sword, dagger and sharp weapons. In the other FIR lodged by the mother of the victim, none of the petitioners are arrayed as the accused person, amongst the ten number of accused persons arrayed as such. The police registered the case and upon completion of the investigation submitted charge sheet against the petitioners and others on 23.10.2025. In the said charge sheet, it is stated by the Investigating Officer that the accused persons including the petitioner no.1 by entering into a common object had attacked the deceased and when

the villagers reached the place of occurrence, the accused persons fled away. As per as petitioner no.2 is concerned, it is stipulated in the charge sheet that there are enough evidence showing his complicity in the offence.

4. Mr. HRA Choudhury, learned Senior Counsel submits that the mother while lodging the ejahar had not mentioned the petitioners name as accused persons and the wife of the deceased had not mentioned petitioner no.2 as the accused person to have killed her husband. In the charge sheet also, the learned Senior Counsel submits that no specific act has been attributed to both the petitioners in killing the deceased and in attacking the deceased with sharp weapons.

5. On the other hand, Mr. M.P. Goswami, learned Additional Public Prosecutor appearing for the State submits that the co accused had stated that both the petitioners were present when the attack was made on the deceased. He has also placed the statement of one of the independent witness, who had stated the name of both the petitioners to have assaulted.

6. Upon consideration of the submission made by both parties and more so in view of the fact that no overt act has been ascribed to both the petitioners in assaulting the deceased and further that the common objection by which the present petitioners are roped in has to be examined during the trial of the case, this Court finds it fit to enlarge the petitioners on pre-arrest

bail on furnishing of bail bond of Rs. 20,000/- each with one local surety each to the satisfaction of the SDJM, Dhubri (Sadar) under the following conditions:

- i) The petitioners would appear before the concerned court within a period of 10 days from the date of this order.
- ii) The petitioners would cooperate with the trial and would appear before the Court as and when called for.
- iii) The petitioners would not influence the witnesses connected with the offence.

7. Petition is disposed of.

JUDGE

Comparing Assistant