

GAHC010115532026



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

Case No. : I.A.(CrI.)/593/2026

LUTFA BIBI
DO LT MONIRUZ ZAMAN SK, RO VILL MODHUSOULMARI PT II, KHAS
KHAMAR, GAURIPUR, DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

2:ASMA BIBI ALIAS SOLEMA BIBI
WO SOLEMAN ALI
RO VILL MODHUSOULMARI PT II
KHAS KHAMAR
GAURIPUR
DHUBRI
ASSAM

3:ATINUR RAHMAN
SO NAWSHAD ALI
RO VILL MODHUSOULMARI PT II
KHAS KHAMAR
GAURIPUR
DHUBRI
ASSA

Advocate for the Petitioner : A MISHRA, MR. A TARAFDAR

Advocate for the Respondent : PP, ASSAM, S R DAS(R2,3),MR. A T SARKAR(R2,3)

Linked Case : 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
ASSAM
VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR H R A CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 19.08.2026

Heard Mr. A. Mishra, learned Counsel for the applicant. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor for the State and Mr. A.T. Sarkar, learned Counsel appearing for respondent nos. 2 and 3.

2. By this application, the applicant has prayed for cancellation of the pre-arrest bail allowed to the respondent nos. 2 and 3, by this Court vide order dated 27.02.2026. It is the case of the applicant that after the respondents were

allowed pre arrest bail, they by conspiring along with other accused persons unlawfully and illegally entered into the house of the informant on 09.03.2026 at around 03:30 pm and hid themselves inside the house in the absence of the informant. The informant further stated that as soon as she entered the house, the accused persons attacked her with sharp weapons and assaulted her. However, it is seen in the copy of the FIR lodged by the informant, the name of the respondent no.3 did not find place and that the name of only the respondent no. 2 namely Asma Bibi was reflected in the said FIR.

3. As it is a settled position of law that cancellation of bail requires very strong and overwhelming reasons and the considerations are totally different with regard to enlarging a person on bail and cancelling the bail allowed to an accused person. Further the Court while cancelling the bail should look at the supervening circumstances showing that the accused has misused his liberty and also that a fair trial is no longer possible.

4. In order to look into all these aspects, this Court deems it fit to call for the Case Diary in connection with Gauripur P.S. Case No. 83/2026 registered under Section 118(2)/3(5)/109(1) as well as 332(a) of BNS, 2023.

5. Call for the Case Diary in connection with the aforesaid case.

6. List this matter again on 07.09.2026

JUDGE

Comparing Assistant