

GAHC010260582025



2026:GAU-AS:813

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

Case No. : AB/2776/2025

ALTAF HUSSAIN BARBHUIYA AND 12 ORS.
SONS OF LATE MAHAMOD ALI BARBHUIYA RESIDENT OF VILLAGENIZ
FULBARI PT. III, P.O. FULBARI, P.S. KATIGORA, DISTCAHAR, ASSAM, PIN-
788802.

2: ZAKIR HUSSAIN BARBHUIYA
SONS OF LATE MAHAMOD ALI BARBHUIYA JAYNUL RESIDENT OF
VILLAGENIZ FULBARI PT. III
P.O. FULBARI
P.S. KATIGORA
DISTCAHAR
ASSAM
PIN- 788802.

3: JAYNUL AHMED BARBHUIYA
SONS OF LATE MAHAMOD ALI BARBHUIYA RESIDENT OF VILLAGENIZ
FULBARI PT. III
P.O. FULBARI
P.S. KATIGORA
DISTCAHAR
ASSAM
PIN- 788802.

4: NOOR MOHAMMAD BARBHUIYA
S/O- ALTAF HUSSAIN BARBHUIYA
RESIDENT OF VILLAGENIZ FULBARI PT. III
P.O. FULBARI
P.S. KATIGORA
DISTCAHAR
ASSAM
PIN- 788802.

5: FORIZ UDDIN LASKAR
S/O- LT. SAIDUR RAHMAN LASKAR RESIDENT OF VILLAGENIZ FULBARI

PT. III
P.O. FULBARI
P.S. KATIGORA
DISTCAHAR
ASSAM
PIN- 788802.

6: ABJOL HUSSAIN LASKAR
S/O- FORIZ UDDIN LASKAR
RESIDENT OF VILLAGENIZ FULBARI PT. III
P.O. FULBARI
P.S. KATIGORA
DISTCAHAR
ASSAM
PIN- 788802.

7: HASNA BEGUM BARBHUIYA
W/O- LT BADRUL ISLAM BARBHUIYA RESIDENT OF VILLAGENIZ
FULBARI PT. III
P.O. FULBARI
P.S. KATIGORA
DISTCAHAR
ASSAM
PIN- 788802.

8: DILWAR HUSSAIN BARBHUIYA
S/O- LT BADRUL ISLAM BARBHUIYA RESIDENT OF VILLAGENIZ
FULBARI PT. III
P.O. FULBARI
P.S. KATIGORA
DISTCAHAR
ASSAM
PIN- 788802.

9: FALBI SULTANA BARBHUIYA ALIAS JELI BEGUM BARBHUIYA
D/O- LT. BARBHUIYARESIDENT OF VILLAGENIZ FULBARI PT. III
P.O. FULBARI
P.S. KATIGORA
DISTCAHAR
ASSAM
PIN- 788802.

10: MD ROFIQ UDDIN LASKAR
S/O- IT. RAZID ALI RESIDENT OF VILLAGEGANIRGRAM PT. I
P.O. GANIRGRAM
P.S. KATIGORA
DIST- CAHAR
ASSAM

PIN788025

11: AMIR UDDIN LASKAR
S/O- LT. ARAB ALI LASKAR RESIDENT OF VILLAGE- NIZ FULBARI PT. III
P.O. FULBARI
P.S. KATIGORA
DIST- CAHAR
ASSAM
PIN- 788802.

12: EKBAL HUSSAIN BARBHUIYA
S/O- MOHIBUR RAHMAN RESIDENT OF VILLAGE DURGAPUR
P.O.DURGAPUR
P.S.BORMALA
DIST- CAHAR
ASSAM
PIN- 788110.

13: RAHUL ALAM CHOUDHURY
S/O- ATLAF HUSSAIN CHOUDHURY. RESIDENT OF VILLAGE- HARIBAIL
PART-III
P.O. HARIBAIL
P.S.BORKHOLA
DIST- CAHAR
ASSAM
PIN- 78811

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. S A HUSSAIN, G BORO,MR D J HALOI

Advocate for the Respondent : PP, ASSAM, MR. M H RAJBARBHUIYA (INFORMANT)

B E F O R E
HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA
ORDER

22.01.2026

Heard Mr. D J Haloi, learned counsel for the petitioner. Also heard Mr. P Lakhar, learned Addl. Public Prosecutor for the State of Assam as well as heard Mr. M H Rajbarbhuiya, learned counsel appearing for the informant.

2. This application under Section 482 of BNSS, 2023 has been filed by the petitioners, namely, **Altaf Hussain, Zakir Hussain, Jaynul Ahmed, Noor Mohammad Barbhuiya, Foriz Uddin Laskar, Abjol Hussain Laskar, Hasna Begum Barbhuiya, Dilwar Hussain Barbhuiya @ Jeli Begum Barbhuiya, MD. Rofiq Uddin Laskar, Amir Uddin Laskar, Ekbal Hussain Barbhuiya,** and **Rahul Alam Choudhury,** seeking pre-arrest bail in connection with **Katigorh P.S Case No. 75/2025** registered under Sections **117(2)/118(2)/125/126(2)/190/191(3)/296/324(2)/326(g)/329(3)** of BNS, 2023.

3. CD as called for has been received along with injury report.

4. The allegations as contained in the FIR are that the allegation against the petitioner is that on 16.11.2025 at about 09:30 a.m., the accused persons

illegally entered into the land with dao, kural, lathi etc., with the intention to occupy the said land forcefully and took away ripe rice by cutting it and when the informant and her family members protested then the accused persons assaulted them with dao, kural etc. for which the informant and her family members sustained grievous injuries and the accused persons also threw stones to the house of the informant and set fire on a portion of the informant's bamboo-made house. Hence the case.

5. Learned counsel for the petitioners submitted that the dispute is of a civil nature and that some of the co-accused have been granted regular bail by the learned Court below.

6. On the other hand, learned Additional Public Prosecutor, with reference to the injury report and the statements of witnesses, submits that the informant side has sustained grievous injuries as can be seen from the medical report.

7. The learned counsel appearing for the informant has pointed out that the house of the informant was also set on fire by the petitioners.

8. On perusal of the case diary, sufficient incriminating material is found to be available against the petitioners and considering the gravity of the offences, this is not a fit case for grant of pre-arrest bail.

9. Accordingly, the prayer for pre-arrest bail stands rejected.

JUDGE

Comparing Assistant