

GAHC010275972025



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

Case No. : AB/2928/2025

ALI AKBAR AND 5 ORS
S/O LATE AHMED ALI, R/O VILL. NO. 2 DHARIAKHAITI, P.S. MANGALDAI,
DIST. DARRANG, ASSAM.

2: ABDULLAH SHEIKH @ SHEIKH ABDULLAH
S/O ALI AKBAR
R/O VILL- NO. 2 DHARIAKHAITI
P.S. MANGALDAI
DIST. DARRANG
ASSAM

3: USMAN ALI @ USMAN GONI
S/O LATE ABDUL SALAM
R/O VILL- NO. 2 DHARIAKHAITI
P.S. MANGALDAI
DIST. DARRANG
ASSAM

4: GOLAP ALI
S/O HABIBAR RAHMAN
R/O VILL- GADHOWA CHAPARI
P.O. AND P.S. MANGALDAI
DIST. DARRANG
ASSAM

5: MIR HUSSAIN @ MIRU SHEIKH
S/O LATE AHMAD
R/O VILL- NO. 2 DHARIAKHAITI
P.S. MANGALDAI
DIST. DARRANG
ASSAM

6: BASIRUDDIN @ BASIR ALI
S/O AMDALI

R/O VILL- APARIA
P.S. MANGALDAI
DIST. DARRANG
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM.

Advocate for the Petitioner : MR S M ABDULLAH P, B DEKA,MR. A S ALI,MR. N K DAS,MR T KALITA,MR. A SAIKIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 21.01.2026

1. Heard Mr. T. Kalita, learned counsel for the petitioners. Also heard Mr. K. Baishya, learned Additional Public Prosecutor for the State.

2. This application under Section 482 BNSS is filed by the petitioners, namely, (1) *Ali Akbar* (2) *Abdullah Sheikh @ Sheikh Abdullah* (3) *Usman Ali @ Usman Goni* (4) *Golap Ali* (5) *Mir Hussain @ Miru Sheikh* and (6) *Basiruddin @ Basir Ali*, who are apprehending their arrest in connection with Mangaldai P.S. Case No. 216/2025 registered u/s 115(2)/ 191(2)/ 318(4)/ 324(5)/ 61(2)/76 of BNS.

3. The gist of accusation in this case is that on 27.11.2025, one Ahijul Hoque had lodged an FIR before the Officer-in-charge of Mangaldai Police Station, *inter alia*, alleging that the first informant along with twelve others have purchased possessory right in respect of a plot of land measuring about 150

bighas at Dharaikhaiti Char at a consideration amount of Rs.1,30,000/-. However, it is alleged that on 20.11.2025, the petitioners along with some other persons armed with weapons destroyed the 50 bighas maize field of the informant and assaulted the informant as well as one Hawa Khatun.

4. The learned counsel for the petitioners has submitted that the accusation made in the FIR are in exaggerated form. He submits that there was an altercation as regards possession over a plot of land between the parties. However, nothing as stated in the FIR happened. He submits that no one sustained any injury. He also submits that, in the meanwhile, petitioner No. 1 has already been granted interim bail by this Court by its order dated 18.12.2025 and the other petitioners are also ready to co-operate in trial. He submits that the nature of accusation levelled in the FIR does not require custodial interrogation during investigation.

5. On the other hand, the learned Additional Public Prosecutor has produced the case diary of Mangaldai P.S. Case No. 216/2025 and has submitted that there are incriminating materials against the petitioners in the case diary. The independent witnesses as well as the victim, in their statement recorded under Section 180 of BNSS have implicated the petitioners.

6. I have considered the submissions made by the learned counsel for both sides and have gone through the materials available on record.

7. Though, it appears that there are incriminating materials in the statement of the witnesses recorded by the Investigating Officer. It also appears that the statement of the victim woman has also been recorded. However, there is no indication regarding injury sustained by her as no injury report is there in the case diary.

8. Moreover, considering the fact that the Investigating Officer has already recorded the statement of main witnesses, this Court is of considered opinion that if the petitioners co-operate in the investigation, their custodial interrogation may not be necessary for fair conclusion of the investigation.

9. In view of above, the interim anticipatory bail granted to petitioner No. 1, namely, Ali Akbar by order dated 18.12.2025 is hereby made absolute.

10. With regard to the other petitioners, they are directed to appear before the Investigating Officer of Mangaldai P.S. Case No. 216/2025 within a period of ten days from the date of this order and co-operate in the investigation.

11. If they do so within the stipulated period of time, in the event of their arrest in connection with the aforesaid case, they shall be allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) *each* with one surety of like amount, subject to the satisfaction of the Investigating Officer with following conditions:-

(i) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts of the case before the Investigating Officer;

(ii) That the petitioners shall co-operate in the investigation;

12. With above observation, this anticipatory bail application is disposed of.

13. Send back the case diary.

JUDGE

Comparing Assistant