

GAHC010154062026



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

Case No. : AB/1709/2026

JIARUL HAQUE AND 2 ORS.
S/O HABEL UDDIN

2: AFZAL HAQUE

S/O. HABEL UDDIN

3: MAFIDA KHATUN
W/O. AFZAL HAQUE
ALL ARE RESIDENT OF NATUN KATHMI
P.S. BOKO
DISTRICT KAMRUP
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY, MS. S DEVI, MR N AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

21.08.2026

Heard Mr. B. Chowdhury, learned counsel appearing for the petitioners. Also

heard Ms. S. H. Borah, learned APP appearing for the State of Assam.

This is an application filed under Section 482 of the BNSS, 2023, for granting of pre-arrest bail to the petitioners, namely, Jiarul Haque, Afzal Haque and Mafida Khatun as they are apprehending arrest in connection with Boko Police Station Case No.150/2026 corresponding to G.R. Case No.157(K)/2026 under Section 80(2)/103/3(5) of BNS, 2023.

The learned APP has raised a serious objection, contending that the petitioners have been implicated in the case and that the statements of the witnesses attribute specific roles to them. It is further submitted that the allegations relate to a case of dowry death, which resulted in the death of Petitioner No. 1's wife

It is submitted by the learned counsel for the petitioners that petitioner no.2 and 3 reside in the same household, but they were implicated in an omnibus manner. They are not at all involved in dowry death. The petitioner no.2 and 3 are spouses and they shared a kitchen with petitioner no.1, and they have not involved house hold affairs of the petitioner no.1. A serious allegation of abetment to commit suicide cannot be attributed to the petitioner nos. 2 and 3.

It is also submitted that the allegations against the petitioner no.1 are absolutely false and a case has been foisted against the petitioner no.1.

I have considered the rival submissions with due care and circumspection. I have also carefully considered the incriminating materials available on record against the petitioners

However, considering the entire aspect of the matter it appears that the petitioner nos. 2 and 3 may be granted the Anticipatory Bail.

The prayer of the Anticipatory bail for petitioner no.1 is rejected.

I have considered that Petitioner Nos. 2 and 3 are willing to cooperate with the remaining part of the investigation and to abide by any stringent conditions that may be imposed upon them while granting bail.

It is further submitted that no specific allegation or overt act has been attributed to Petitioner Nos. 2 and 3

In view of the foregoing discussions, the prayer of petitioner nos. 2, Afzal Haque and 3, Mafida Khatun for anticipatory bail is allowed.

In the event of their arrest, the petitioner nos. 2 and 3 shall be enlarged on bail Rs.50,000/- each with the suitable sureties of the like amount to the satisfaction of the arresting authority under the conditions that :

1. The petitioners shall appear before the I.O. within one week and cooperate with the investigation,
2. The petitioners shall appear before the every fortnight till completion of the investigation,
3. The petitioners shall not threaten or intimidate the witnesses, nor shall they tamper with the evidence, and
4. The petitioners shall not leave the jurisdiction of the Court without

obtaining prior permission.

On breach of any of the bail conditions the anticipatory bail order shall stand cancelled.

Send back the CD.

JUDGE

Comparing Assistant