

GAHC010164512021



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

Case No. : AB/3196/2021

AMZAD HUSSAIN
S/O NOWSHAD ALI, BY PROFESSION - BUSINESS, RESIDENT OF VILL-
SONAPUR, P.O. PURANDIARA, P.S. MANKACHAR, IN THE DISTRICT OF
SOUTH SALMARA MANKACHAR, ASSAM, PIN-783135

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. J AHMED

Advocate for the Respondent : PP, ASSAM

Linked Case : AB/3138/2021

NURUL HOQUE SARKAR
S/O- ABDUL MOZID SARKAR
R/O- VILL.- ASHARIKANDI
P.O. ASHARIKANDI
P.S. GAURIPUR
DIST.- DHUBRI
ASSAM
PIN- 783331.

VERSUS

THE STATE OF ASSAM
REP. BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. J AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

29.04.2022

Heard Mr. J. Ahmed, learned counsel representing the petitioner as well as Mr. K.K. Porasor, learned Additional Public Prosecutor, Assam.

This is a common order for these two items.

Perused the Case Diary.

By this application, filed under Section 438 CrPC, the petitioners, namely, Amzad Hussain and Nurul Hoque Sarkar have prayed for pre-arrest bail in connection with South Salmara P.S. Case No. 341/2021 under Sections 341/294(A)/468/471/420/34 IPC .

In the year 2019, Sri Inamul Sarkar filed a complaint before the Deputy Commissioner, South Salmara for cancellation of patta illegally mutated to other persons. Thereafter, the petitioner Nurul Hoque Sarkar, who was the Lat Mandal made correction in the land records. Now, the sons of Jubbar Munsu and Kasem have alleged that Nurul Hoque Sarkar being the Lat Mandal and Md. Amzad Ali being the Assistant, illegally mutated the name of Enamul Hoque Sarkar by deleting their names.

From the Case Diary, it appears that the petitioners are co-operating with the investigation. Moreover, it appears that the dispute is a civil dispute. Mr. Ahmed submits that a civil dispute is also pending between the parties. Therefore, considering the facts and circumstances of the case, the prayer of the petitioner is allowed. Accordingly, the interim order dated 05.10.2021 and 07.10.2021 is made absolute.

Return the Case Diary.

Bail application is disposed of.

JUDGE

Comparing Assistant