

GAHC010018432023



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

Case No. : Bail Appln./327/2023

RAHIJUL MIYA AND ANR
S/O BADSHA MIYA R/O VIL. ALENGMARI P.S. BIJNI DIST. CHIRANG ASSAM

2: BADSHA MIYA @ BATSA MIYA
S/O LT. BISHA MIYA R/O VILL. ALENGMARI P.S. BIJNI DIST CHIRANG
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N MAHAJAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 30-01-2023

Heard Mr. N. Mahajan, learned counsel for the petitioners and Mr. P. Borthakur, learned Addl. P.P. for the State of Assam.

This is an application under Section 439 of the CrPC, praying for bail by the

petitioners, namely, 1. Rahijul Miya and 2. Badsha Miya @ Batsa Miya, who are facing trial in respect of Sessions Case No. 67(B)/2022 arising out Bijni P.S. Case No. 176/2022 under Section 366/511/341/354(B)/354/323/294/34 IPC.

It is alleged in the FIR that three girls were attempted to be kidnapped by the petitioners.

All the three girls were already examined by the learned trial court and all of them have stated that they were only beaten up by the petitioners. There is also evidence that both the sides are already in the midst of a family dispute.

The petitioners have already spent 110 days in custody.

Considering the aforesaid facts, the bail prayer of the petitioners is allowed. Accordingly, the petitioners named above in connection with the aforesaid case, shall be released on bail of Rs. 25,000/- each with one suitable surety each to the satisfaction of the learned Sessions Judge, Bijni at Chirang.

It is further clarified that the observations made in this order are only for the present bail application and shall not have anything to do with the merit of the case.

The bail application is disposed of.

JUDGE

Comparing Assistant