

Amir Hussain @ Md Amir Hussain vs The State Of Assam on 23 April, 2025

Page No.# 1/

GAHC010042992025

undefined

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

Case No. : Bail Appln./599/2025

AMIR HUSSAIN @ MD AMIR HUSSAIN
S/O ABDUL HAKIM @ HAKIM UDDIN
VILL - CHUKABAHI
P.S. DALGAON,
DIST. DARRANG, ASSAM
PIN-784514

VERSUS

THE STATE OF ASSAM
REP. BY THE PP ASSAM

Advocate for the Petitioner : MD. A HUSSAIN, J RAHMAN,MR. K ALOM,MR. T ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 23.04.2025

1. Heard learned Counsel Mr.A.Hussain for the petitioner Amir Hussain @ Md. Amir Hussain who has filed this application under Section 483 of the BNSS, 2023 with prayer for bail as he is behind the Bars since 09.02.2025 in connection with Dalgaon PS Case No. 28/2025 under Section 103 of

the Page No.# 2/3 BNS,2023.

2. Learned Addl.Public Prosecutor Mr.M.P.Goswami is present for the State respondent.

3. It is submitted on behalf of the petitioner that the victim 's death cannot be considered to be offence of murder or dowry death. The dying declaration of the victim is marked as Annexure-8 of the petition and was recorded by Dr.Shafie Abdullah Ansary in presence of witnesses Dr. Mrinmoy Kait and Dr.Disha Halder.

4. On the contrary, learned Addl.Public Prosecutor has submitted that no such dying declaration is found in the Case Dairy. Dying declaration was called for but the I.O. has not forwarded the dying declaration along with the Case Dairy. It is submitted that dying declaration may have been recorded in such a situation where the victim was not in a fit state of mind. It is also further submitted that there are incriminating materials in the Case Dairy against the petitioner. Statements of the witnesses recorded under Section 161 CrPC clearly indicates that the deceased was a victim of domestic violence.

4. I have scrutinized the Case Dairy. Indeed there are incriminating materials in the Case Dairy.

5. I have considered the gravity of the offence. It appears that if the petitioner is enlarged on bail investigation may be adversely affected.

6. Considering all aspects, the bail petition stands rejected.

7. Send back the Case Dairy.

JUDGE Page No.# 3/3 Comparing Assistant