

GAHC010275742025



2025:GAU-AS:17678

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

Case No. : Bail Appln./4019/2025

HAFIJUR RAHMAN AND ANR
SON OF JALAL UDDIN, RESIDENT OF SILKIKHATA, GAURANG BRIDGE, OP
SALKOCHA, P.S. CHAPAR, DISTRICT - DHUBRI, ASSAM.

2: ATOWAR RAHMAN
S/O ALAUDDIN
RESIDENT OF BARUARJHAR
WARD NO. 9
P.S. BILASIPARA
DIST. DHUBRI
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY, MR. P K DAS, MR. N MAHAJAN, MR. B.H. TAPADAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 18.12.2025

Heard Mr. B.K. Mahajan, learned counsel for the petitioners. Also
heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State.

2. This application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioners namely, **Hafijur Rahman and Atowar Rahman**, have prayed for bail in connection with Bilasipara P.S. Case No. 376/2025 under Section 281/324(4)/132/109/3(5) of BNS, 2023.

3. The accused were arrested on 02.12.2025 and after being in police remand for two days and examined therein, they were remanded to judicial custody where they are at present.

4. The informant is a learned Judicial Magistrate -cum- Civil Judge (Junior Division), Bilasipara, Dhubri, who lodged the FIR with the allegation that on 01.12.2025 at 10 a.m. after he crossed Beltola Chariali, on the way to office, while driving his car at moderate speed, there was two vehicles coming from the opposite direction and suddenly the driver of an alto vehicle bearing Regd. No. AS-16-H-2768 parked on the left side, without giving any signal turned right and hit on the left of the car and immediately informant stopped the car and asked them whether they are ok. The informant found three persons inside the said case. However, suddenly, they started abusing him with obscene language and demanded him to come out of the car and threatened him. Finding the situation unsafe, he moved out from the place and rushed to his office and these two persons started chasing him and tried to hit him with wooden stick and also told him that he knew that he was a judge and still tried to hit him and also abused him. It is also alleged that, by that time, the office peon and chowkidar and another home guard were present and they rescued the informant. It is alleged that they also hit the back side of his car with lathi.

5. The case diary has been received.

6. It is submitted by the learned Additional Public Prosecutor that informant-cum-victim in his statement has supported the allegation and has implicated the petitioners. It is submitted that some other witness have implicated them. The statements of the accused persons themselves also available. Though not admissible but in their statements, they admitted and that, they did not know that the informant was a Judicial Magistrate. The learned Addl.P.P. submits that it is a disturbing case of offence attempted on a judicial magistrate and in view of the incriminating materials, bail petition may be rejected.

7. I have seen the progress of investigation.

8. Needlessly to say, that not just victim or the informant belonging to the Judicial fraternity, every citizen is entitled to his right to public safety and security, irrespective of what he is in life. That right accrues as the member of the society and as a citizen and the right of public safety and security accrues even to foreigners visiting our county.

9. It is never the case that even if victim of a criminal case is a member of Judicial fraternity, the courts while adjudicating the matter, will not be able to be dispassionately objective.

10. Though, the alleged conduct of the petitioners is despicable and condemnable – nevertheless, considering the progress of investigation and length of detention so far, I am of the considered view that they can be released on bail at this stage, subject to stringent conditions.

11. Accordingly, the accused-petitioners, named above, shall be released on bail in connection with Bilasipara P.S. Case No. 376/2025 under Section 281/324(4)/132/109/3(5) of BNS, 2023, on furnishing bail bond of **Rs.30,000/- each** with one suitable **each** surety of the like amount to the satisfaction of concerned learned court.

12. The direction for bail is further subject to the following conditions:

(a) That the petitioners shall not abscond;

(b) That the petitioners shall not misuse their liberty to commit any offences or illegal activities or any activities in breach of peace and social order;

(c) That the petitioners shall be available for the remaining investigation;

(d) That the petitioners shall not hamper or tamper with evidence;

(e) That the petitioners shall record their presence before the concerned police station once every week, till any subsequent to the contrary; and

(f) That the petitioners shall not leave the jurisdiction of Dhubri district, without the permission of the learned trial court.

13. However, it will also be open to the learned trial court to make any modification in the bail conditions and/or impose new conditions.

14. Violation or breach of any condition(s) shall entail cancellation of bail.

15. Before parting, this Court is inclined to make the following observations : this incident is also a reminder regarding the need for taking a fresh look at the security for Judicial Officers of all grades and not just Senior Judicial Officers. Judicial Officers in the course of their work, especially those working on the criminal side, could offend vested interests and invite risks. Therefore, their personal security at all times needs to be taken care of well.

In my considered opinion, Judicial Officers of all grades, especially those working on the criminal side, should have a personal security officer. The unfortunate incident which is the subject matter of the present bail adjudication perhaps would not have taken place if the learned judicial officer/victim had a personal security officer with him at that time. It would be perhaps desirable and prudent for the concerned authorities of the State Government to review the personal security arrangements of all Judicial Officers.

16. A copy of this order may be sent to the learned Principal Secretary, Home, Government of Assam and the learned DGP, Assam for their kind consideration.

17. The bail petition stands **allowed** and disposed of accordingly.

18. Send back the case diary.

JUDGE

Comparing Assistant