

GAHC010022242023



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

**Case No. : Bail Appln./402/2023**

NIKHIL SINGH AND 2 ORS.

S/O- RAJESH SINGH, VILL.- MOIJUS, P.S. MAIHAR, DIST. SATNA, MADHYA PRADESH.

2: AVINASH ROBERT

S/O- ROBERT MOBERT MERTAIN

VILL.- MOIJUS

P.S. MAIHAR

DIST. SATNA

MADHYA PRADESH.

3: SHIVAM MISHRA

S/O- SUREN MISHRA

VILL.- MOIJUS

P.S. MAIHAR

DIST. SATNA

MADHYA PRADESH

VERSUS

THE STATE OF ASSAM

TO BE REPRESENTED BY THE P.P., ASSAM

**Advocate for the Petitioner : MR. D HUSSAIN**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**Date : 22.02.2023**

Heard Mr. D. Hussain, learned counsel for the petitioner as well as Mr. M.P. Goswami, learned APP for the State.

The petitioners, who were arrested on 04.01.2023 are seeking regular bail under section 439 Cr.P.C. in connection with Nagaon P.S. Case No. 08/2023 under sections 25(1-A) of Arms Act.

The case diary as called for has not been received.

The learned APP has opposed the prayer for bail.

As per the report available, one of the seized articles was a toy pistol and another was an air pistol, which is serviceable.

Be that as it may, as the petitioners have suffered custody of 50 days as on date, the Court is of the considered opinion that further custodial interrogation of the petitioners may not be necessary. Hence, the Court is inclined to grant bail to the petitioners, namely, (1) Nikhil Singh, (2) Avinash Robert, and (3) Shivam Mishra in connection with the aforesaid case on furnishing bail bond of Rs.1,00,000/- each with two solvent surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nagaon.

The bail is granted on the following conditions:

1. The petitioners shall make themselves available to the police or any other investigating agency or Court in the present case as and when required.

2. The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to Court or to any police officer or tamper with the evidence. They shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.
3. The petitioners shall not obstruct the smooth progress of the investigation/trial.
4. The petitioners shall not misuse their liberty in any manner.
5. Along with the bail bond, the petitioners shall submit documents relating to the proof of their respective permanent address at district Satna, Madhya Pradesh. The petitioners shall also disclose their mobile number containing whatsapp facility along with their bail bond so as to enable the I.O. to contact with them as and when required for the purpose of investigation. The petitioners shall also submit an undertaking before the learned Chief Judicial Magistrate, Nagaon as a condition of grant of bail that they would not surrender their mobile numbers or sim card or de-activate the said numbers without the prior leave of the said learned Court and/ or the learned trial Court.
6. The petitioners shall appear before the I/O within 7 (seven) days from the date of their release and without fail, they shall continue to appear once in a month till their appearance is dispensed with or charge-sheet is filed, whichever is earlier.

It is provided that on violation of any of the conditions of grant of bail, it would be open to the I.O. to re-arrest the petitioners.

This application stands disposed of.

**JUDGE**

**Comparing Assistant**