

GAHC010038092023



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

**Case No. : Bail Appln./634/2023**

BIKRAM DAIMARY  
S/O MALIN DAIMARY R/O VILL. NISPATALA P.O. AND P.S DIMAKUCHI  
DIST. UDALGURI ASSAM

VERSUS

THE STATE OF ASSAM  
REP BY THE PP, ASSAM

**Advocate for the Petitioner : MR R DHAR**

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

**BEFORE  
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**17.03.2023**

Heard Mr. R. Dhar, learned counsel for the accused-petitioner and Mr. B.B. Gogoi, learned Addl. Public Prosecutor, Assam for the State.

**2.** This bail application has been filed by the accused-petitioner namely, **Sri Bikram Daimary**, seeking bail in connection with **Kokrajhar P.S. Case No. 09/2023** under Sections 120(B)/121/121(A)/122/124(A) of the IPC, read with Sections 16/18/18(A)/18(B)/19/20/21 U.A.(P) Act, read with Section 66 of the I.T. Act and 25(1-A) of the Arms Act. The accused-petitioner was arrested on 07.01.2023 and since then he has been in custody.

**3.** An FIR dated 07.01.2023 by the informant one Inspector Moneswar Bey, O.C., Kokrajhar P.S. in the District of Kokrajhar. In the FIR, it was alleged that a group of persons have conspired to create a Terrorist gang/organization, in connivance with other like-minded persons with the intention to commit terrorist act to wage war against State and also to threaten the unity, integrity and sovereignty of India by striking terror in the people. In all five persons were named in the FIR and the name of the petitioner is mentioned at Serial No. 2. The further allegation is that they were recruiting/harboring persons belonging to various communities from different areas of Kokrajhar District and other parts of Assam to join the terrorist gang for commissioning of terrorist act. The said FIR was received and registered as Kokrajhar P.S. Case No. 09/2023 under Sections 120(B)/121/121(A)/122/124(A) of the IPC, read with Sections 16/18/18(A)/18(B)/19/20/21 U.A.(P) Act, read with Section 66 of the I.T. Act.

- 4.** Pursuant to the FIR being lodged, investigation commenced and in the course of investigation, the petitioner along with the other four persons were arrested, several arms and ammunitions were recovered from the possession of the said accused persons.
- 5.** This Court by order dated 24.02.2023 directed the case diary to be produced.
- 6.** Today when the matter is called up, the learned Addl. Public Prosecutor, Assam has produced the case diary before the Court.
- 7.** Having heard the learned counsels for the parties and upon perusal of the pleadings on record as well as the case diary which has been produced before the Court, the matter is taken up for disposal.
- 8.** Upon perusal of the case diary reveals that the matter is at the stage of investigation. The petitioner is in custody for 69 days. The matter is under investigation and the charge-sheet has not yet been filed as on date. Under Section 43-D of the U.A.(P) Act, the period of detention available to the investigating authority cannot be extended upto 180 days by the Court upon being satisfied on such report of the public prosecutor..
- 9.** Perusal of the case diary reveals incriminating material against the petitioner. During the process of investigation certain seized items were sent for FSL report, the said report as per the Case diary is also not received by the Investigating Officer.
- 10.** Under the circumstances, this Court is of the view that grant of bail to the petitioner, as prayed for, at this stage of investigation is likely to hamper the continuance of the investigation. The release of the petitioner at this stage, it will not

be conducive for the investigation which is being carried on under the provisions of U.A(P) Act.

**11.** Accordingly, the bail petitioner is dismissed.

**12.** Return the case diary.

**JUDGE**

**Comparing Assistant**