

GAHC010039422023



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

Case No. : AB/638/2023

PANDIT NATH AND 3 ORS.
S/O BHOTAGUTI NATH

2: NITUL RABHA
S/O ARABINDA RABHA

3: NITUMONI RABHA
W/O NITUL RABHA

4: PITAMBAR NATH
S/O SISURAM NATH

ALL ARE PERMANENT RESIDENTS OF VILL.- JAMUGURI
P.S.- JAJORI
IN THE NAGAON DISTRICT OF ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LEARNED P.P., ASSAM.

Advocate for the Petitioner : MR A W AMAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

03-05-2023

Heard Mr. S. Nawaz, learned counsel for the petitioners. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam.

This Anticipatory Bail petition has been filed by the petitioners, namely, 1) Pandit Nath, 2) Nitul Rabha, 3) Nitumoni Rabha & 4) Pitambar Nath, who are apprehending their arrest in connection with Jajori P.S. Case No.6/2023 under Sections 120B/341/326/307/506 of the IPC.

By an FIR dated 16.01.2023 lodged by the informant one Ratna Saikia Bordoloi, it was alleged that the petitioner along with the other accused named in the FIR had attacked the husband of the informant while he was returning home from a religious function. In the said incident the husband of the informant received grievous injuries and it is alleged that the condition of the husband of the informant is critical and he has been admitted to the hospital for medical treatment.

This Court by the order dated 28.02.2023 while calling for the case diary granted interim protection to the petitioner nos. 3 & 4, while the prayer for bail of the petitioner nos. 1 & 2 were directed to be considered at a later stage.

The case diary, as called for, has been received and this Court has perused the same.

Learned counsel for the parties have been heard.

Upon perusal of the case diary, it is seen that the husband of the

informant suffered injuries which were treated and the medical report stated that the medical report stated that the injuries were shown to be of grievous in nature.

From the perusal of the case diary no materials are as to who had caused the injury on the husband of the informant.

There are no materials in the case diary as on date to suggest that the grant of anticipatory bail will hamper the further investigation of the case carried on. Accordingly, this bail petition is allowed.

There are no materials in the case diary to suggest that pursuant to grant of interim bail the petitioner nos. 3 & 4 did not co-operate with the investigation. As per the FIR the allegations are against all the 4 (four) persons.

Interim bail granted to the petitioner nos. 3 & 4 on are hereby made absolute on the same conditions as has been done by the earlier order dated 28.02.2023.

In so far as, the petitioner nos. 1 & 2 i.e. 1) Pandit Nath, 2) Nitul Rabha are concerned, they shall be released on interim pre-arrest bail in connection with Jajori P.S. Case No.6/2023 under Sections 120B/341/326/307/506 of the IPC upon furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with 1 (one) local surety of like amount to the satisfaction of the arresting authority, subject, of course to the following conditions:

- (i) That the petitioner nos. 1 & 2 shall appear before the investigating Officer within 15 (fifteen) days from today;
- (ii) That the petitioner nos. 1 & 2 shall not hamper or tamper with the investigation in any manner;

(iii) That the petitioner nos. 1 & 2 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 the Court or to any police office; and

(iv) That the petitioner nos. 1 & 2 before leaving the jurisdiction of Jajori P.S. shall take permission from the concerned investigating officer of the case.

In the event, the petitioner nos. 1 & 2 are found to have violated any of the above conditions or are found to be involved in other offences, the Investigating Officer shall be at liberty to apply for recall/cancellation of the interim bail granted to the petitioner nos. 1 & 2.

The anticipatory bail application is disposed of.

Return the case diary.

JUDGE

Comparing Assistant