

GAHC010076022023



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

Case No. : Bail Appln./1290/2023

BIKRAM YADAV @ BIKRAM AHIR
S/O LATE BISWANATH YADAV
R/O DAMCHERRA TE, WARD NO. 10 P.S. RATABARI
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. AHMED
Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE MALASRI NANDI
ORDER

11.05.2023

Heard Mr A Ahmed, learned counsel for the petitioner and Ms S H Bora, learned Additional Public Prosecutor for the State of Assam.

2. The petitioner, namely, Bikram Yadav @ Bikram Ahir, has filed an application under Section 439 CrPC, seeking bail in connection with Sessions Case No. 146 of 2022, arising out of Ratabari PS Case No. 197 of 2022, under Sections 341/325/302/34

of IPC.

3. Learned counsel for the petitioner submits that the petitioner has been detained in custody since 29.06.2022, i.e., 316 days and other 2 (two) co-accused persons have already been granted bail. The case is at the stage of evidence of witnesses. The accused person is a local person. As such, there is no chance of his absconding. The bail prayer of the accused petitioner was rejected by the learned Sessions Court as he was arrested after one month of the filing of the FIR. and it was also observed in the order of the learned Sessions Court that the accused petitioner may be absconding as he was not available since after filing of the FIR. The other accused persons were arrested after one day of the filing of the FIR and thereafter, they were allowed to go on bail.

4. It is further submitted by the learned counsel for the petitioner that the petitioner is ready to face the trial. Therefore, he has prayed that considering the period of detention, he may be allowed to go on bail.

5. On the other hand, learned Additional Public Prosecutor submits that though the case is at the stage of evidence, the next date is fixed on 26.05.2023 and as such, bail may be granted to the accused petitioner, after recording of evidence of the witnesses.

6. I have heard the submissions made by the learned counsel for both the parties. I have also perused the record as well as the documents annexed therein.

7. It appears from the record that the petitioner is a married man and he works in Damcherra Tea Estate under Ratabari Police Station, Karimganj district. From the forwarding report available in the record, it reveals that the accused petitioner was arrested on 29.06.2022 and he has been detained in custody for more than 10 (ten) months.

8. Considering the period of detention as well as the facts and circumstances of the case, the bail prayer of the accused/petitioner is allowed. Accordingly, it is hereby directed that the petitioner, namely, Bikram Yadav @ Bikram Ahir, shall be released on

bail on his furnishing bail bonds of Rs. 20,000/- with two sureties of the like amount to the satisfaction of the learned Additional Sessions Judge, Karimganj, in connection with the aforesaid case.

9. With the aforesaid directions, this Bail Application stands disposed of.

JUDGE

Comparing Assistant