

GAHC010111992023



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

Case No. : AB/1862/2023

BIJU NATH AND ANR
S/O- LT. KHIROD NATH, R/O- VILL- UPARTALA PART-III, P.O. UPARTALA,
P.S. DUDHNOI, DIST.- GOALPARA (ASSAM), PIN- 783124

2: DHRUBA NATH @ DHRUBAJIT NATH
S/O- LT. KHIROD NATH
R/O- VILL- UPARTALA PART-III
P.O. UPARTALA
P.S. DUDHNOI
DIST.- GOALPARA (ASSAM)
PIN- 78312

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR. M K HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 12.06.2023

Heard Mr. M. K. Hussain , learned Counsel appears for
the petitioners. Also heard Mr. R. R. Kaushik, learned

Additional Public Prosecutor appearing for the State of Assam.

2. By this application under Section 438 of Cr. P.C., the petitioners, namely, 1. Biju Nath and 2. Dhruba Nath @ Dhrubajit Nath are seeking Anticipatory Bail apprehending arrest in connection with an FIR lodged by the informant, which is registered as Dudhnoi Police Station case No. 36/2023, registered under Sections 354/326 of IPC.

3. It is alleged in the FIR dated 06.05.2023 lodged by the informant that her neighbours, namely, the petitioners had assaulted her with a dao inflicting serious injuries on the hand and the chest. The assault was because of a land dispute between the petitioners and the informant.

4. Apprehending arrest the present anticipatory bail petition has been filed by the petitioners.

5. This Court by earlier order dated 29.05.2023 and had called for the case dairy along with Injury Report. The case dairy along with injury report has been produced before this Court by the learned Addl. P.P.

6. Upon perusal of the case dairy along with the injury report, it is seen that from the statements made by the witnesses that there was a long standing land dispute between the petitioners and the informant. The injuries sustained by the informant have not been described to be the simple injuries. However, considering the extent of the dispute as reflected from the case dairy, this Court is of the view that custodial detention of

the petitioners at this stage of investigation would not be necessary to co-operate with the investigation.

7. Accordingly, this Court is of the view that the prayer for anticipatory bail by the petitioners can be granted. Accordingly, in the event of arrest of the petitioners in connection with the aforementioned case, the petitioners are released on a bail bond of Rs.30,000/- (Rupees thirty thousand) only each with one (1) local surety of like amount to the satisfaction of the Arresting Authority. The bail granted however, is subjected to the following conditions:-

1. That the petitioners shall appear before the Investigating Officer within 7(seven) days and co-operate in the investigation as and when required;
2. The petitioners shall not leave the territorial jurisdiction of the police station, without prior written permission from Officer-in-Charge, Dudhnoi Police Station.
3. That the petitioners shall not hamper or tamper with the investigation in any manner; and
4. That the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person/witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer in connection to this Police Station

Case.

8. If any of the conditions are found to be violated by the petitioners, then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the petitioners.

9. Anticipatory bail petition is accordingly disposed of.

10. Return the Case Diary.

JUDGE

Comparing Assistant