

GAHC010124812023



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

Case No. : Bail Appln./2012/2023

NARESH RAI AND 2 ORS
S/O JUGAL RAI
PERMANENT RESIDENT OF VILL- RAJASO, P.O. BIDUPUR
P.S. GANGA BRIDGE
DIST. BAISHALI -BIHAR,
PRESENT RESIDENTS OF
HOUSE NO. 02, LAL GANESH,
ADAGUDAM, RAMNAGAR
P.O. ODALBAKRA,
P.S. FATASIL AMBARI
DIST KAMRUP (M), ASSAM
PIN-781034

2: SURESH RAI
S/O JUGAL RAI
PERMANENT RESIDENT OF VILL- RAJASO
P.O. BIDUPUR
P.S. GANGA BRIDGE
DIST. BAISHALI -BIHAR

PRESENT RESIDENTS OF
HOUSE NO. 02
LAL GANESH

ADAGUDAM
RAMNAGAR
P.O. ODALBAKRA

P.S. FATASIL AMBARI
DIST KAMRUP (M)
ASSAM
PIN-781034

3: RUDAL RAI

S/O JUGAL RAI
PERMANENT RESIDENT OF VILL- RAJASO
P.O. BIDUPUR
P.S. GANGA BRIDGE
DIST. BAISHALI -BIHAR

PRESENT RESIDENTS OF
BANK COLONY
JUTIKUCHI

P.O. ODALBKRA
P.S. FATASIL AMBARI
DIST.KAMRUP (M)
ASSAM
PIN-78103

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A Y CHOUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 27.06.2023

Heard Mr. H. R. Choudhury, learned senior counsel assisted by Mr. T. A. Choudhury, learned counsel for the petitioners. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State.

This bail application has been preferred under Section 439 of Code of Criminal Procedure, 1973, praying for bail of petitioners, namely, (1) Naresh Rai, (2) Suresh Rai, and (3) Rudal Rai, who have been arrested on 12.01.2023 in

connection with Fatasil Ambari P. S. Case No. 05/2023 under section 120(b)/325/307/302 IPC corresponding Session Case No. 55/2023 pending before the learned Court of Additional Sessions Judge No. 05, Kamrup (M), Guwahati.

The scanned copy of the case record which was called for has arrived. On perusal of the scanned copy, it appears that by order dated 18.04.2023, learned trial court framed charges under section 120(B)/302 of the IPC against the present petitioners.

It is submitted by the learned senior counsel that the petitioners are the permanent resident of Bihar and presently residing at Odalbakra under the jurisdiction of Fatasil Ambari.

Learned senior counsel for the petitioners also submits that the petitioners shall co-operate in the trial and ready to abide by any condition imposed by learned trial court or by this Court.

Mr. R. J. Baruah, learned Additional Public Prosecutor for the State has opposed the prayer for bail on the ground that the trial is in its initial stage and none of the witnesses has yet been examined by the trial court.

I have considered the submission made by the learned counsel for both sides.

Considering the fact that the present petitioners are resident of Odalbakra under the jurisdiction of Fatasil Ambari Police Station and are ready to co-operate in the trial, this Court is of considered opinion that their continued detention may not be necessary for fair completion of trial of Session Case No. 55/2023, which is pending before the learned Court of Additional Sessions Judge No. 05, Kamrup (M), Guwahati.

In view of the above, the petitioners, (1) Naresh Rai, (2) Suresh Rai,

and (3) Rudal Rai are allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) each with one local surety of like amount to the satisfaction of learned trial Court. the learned trial Court may also impose any additional conditions during the trial as it may deem proper.

With the above observations, this bail application is accordingly disposed of.

JUDGE

Comparing Assistant