

GAHC010136252023



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

Case No. : Bail Appln./2178/2023

NITYANANDA SAIKIA
S/O LATE DIMBESWAR SAIKIA
VILL- CHAMUA GAON
MOUZA- NAOBOICHA, P.S. LALUK
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

28-06-2023

Heard Mr. D Bhuyan, learned counsel for the petitioner and Mr. D Das, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC the petitioner, namely, **Sri Nityananda Saikia**, is seeking bail in connection with **Laluk Police Station Case No. 99/2023** corresponding to

G.R. No. 495/2023 registered under Sections 326/307 IPC, wherein he was arrested on 23.05.2023 and is in custody since then.

From the FIR of the case, it is seen that while the son of the complainant was fishing on the night of 21.05.2023 at the paddy field, the petitioner assaulted him with a sharp weapon so as to kill him. Immediately the victim, son of the complainant was taken to Naoboicha Primary Health Centre for treatment and thereafter, he was referred to North Lakhimpur Medical College and from North Lakhimpur Medical College he was referred to Assam Medical College and Hospital, Dibrugarh for better treatment. The petitioner was arrested on 23.05.2023 and since then he is in custody.

Mr. Das, learned APP, Assam has submitted that the victim is presently undergoing treatment at Hayat Hospital, Guwahati and is recovering.

Mr. Das, learned APP, Assam has also placed before the Court that the petitioner is a retired teacher and that the victim along with some other boys from the same village of the petitioner entered the pond of the petitioner and were fishing in his pond at night on the date of the incident without taking any prior permission from the petitioner. On seeing that, the petitioner chased the boys, during which the petitioner gave a blow and struck on the neck of the victim.

Considering such materials in the Case Diary and the period of detention of the petitioner since 23.05.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Laluk P.S. Case No. 99/2023. As such, this bail application of the petitioner in said Laluk P.S. Case No. 99/2023 is accepted.

Accordingly, the petitioner, namely, **Sri Nityananda Saikia**, be released on bail in said Laluk P.S. Case No. 99/2023 on furnishing a bail bond of Rs.1,00,000/- with 2 (two) local sureties of the like amount, one of which shall be a Government Employee (Central and/or State of Assam) to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur on conditions that the petitioner shall – (i) appear before the Investigating Officer of said Laluk P.S. Case No. 99/2023 as and when he is required for necessary investigation of the case; (ii) not indulge in any such offence or any criminal activities in future; (iii) not leave the territorial

jurisdiction of the Laluk Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; (iv) not hamper with the investigation, or tamper with the evidence of the case and (v) not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Laluk P.S. Case No. 99/2023 shall stand automatically vacated.

Return the case diary herewith.

This bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant