

GAHC010159962023



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

Case No. : Bail Appln./2585/2023

GOPAL BAHADUR MAGAR AND ANR
S/O LATE HARIPRASAD BAHADUR MAGAR, VILL- DURIGURI
P.S. SIMLA
DIST. BAKSA, BTR, ASSAM

2: DHARMENDRA WARY
S/O GAJEN WARY
VILL- BARPAM
P.S. SIMLA
DIST. BAKSA BTR
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

2:WILD LIFE DEPARTMENT
REPRESENTED BY THE STANDING COUNSEL
WILD LIFE DEPARTMENT
ASSA

Advocate for the Petitioner : MR. N DUBEY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

30.08.2023

Heard Mr. N. Dubey, learned counsel appearing for the accused petitioners

as well as Mr. B.B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioners, namely **1) Gopal Bahadur Magar and 2) Dharmendra Wary** have prayed for grant of bail in connection with **Simla P.S. Case No.51/2023** under Sections **120B/447/307** of the IPC read with Sections **25(1)(a) /27(1)(a)/27(1)(2)** of the Arms Act read with Sections **9/51** of the Wild Life (Protection) Act, 1972.

The case diary, as called for, is placed before the Court.

The FIR was lodged by the I/C Bhuyanpara Range, Manas Tiger Reserve on 07.06.2023 alleging, *inter alia*, that on that day at about 10.40 am, sound of gunshot was heard by the staff of Daodhara APC and after receiving the information a team from Bhuyanpara Range H.Q. and other camp staff conducted search operation. It is alleged that the forest team noticed 5(five) miscreants with wild boar meat, who tried to fire at them, upon which the forest team fired total 12 rounds in retaliation and apprehended 2(two) miscreants with wild boar meat along with 5 nos. of handmade guns and ammunitions.

It is noticed that the accused petitioners have been in judicial custody since 10.06.2023, that is, for 82 days.

Perusal of the case diary reveals prima facie abundance of incriminating material against the accused petitioners. Firearms and ammunitions were recovered and seized from their possession.

However, considering the length of detention, this Court is of the opinion that if the accused petitioners, who are permanent residents of Baksa district, are released on bail the ongoing investigation is unlikely to be adversely affected.

Accordingly, it is provided that each of the accused petitioners, named above, shall be released on bail of **Rs.50,000/- (Rupees Fifty Thousand)** with two sureties of like amount to the satisfaction of learned **C.J.M., Mushalpur, Baksa** subject to the following conditions-

- i) That the accused petitioners shall cooperate with the Investigating Officer as and when required;
- ii) That the accused petitioners 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 Police Officer or the Court; and
- iii) That the accused petitioners shall refrain from committing any offences similar to the one of which they are accused of commission.

Return the case diary.

The bail application stands disposed of.

JUDGE

Comparing Assistant