

GAHC010197172023



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

**Case No. : AB/3032/2023**

JAYANTA KUMAR DAS AND ANR  
S/O LATE SURENDRA NATH DAS  
VILL- PATBAUSHI  
P.S. BARPETA  
DIST. BARPETA, ASSAM

2: KARNA KUNDAL BHARALI  
S/OLATE AJIT BHARALI  
VILL- GANAK KUCHI  
P.S. BARPETA

DIST. BARPETA  
ASSA

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. A M BORA**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**  
**ORDER**

11.09.2023

Heard Mr. A. M. Bora, learned Senior Counsel assisted by Mr. V. A. Chowdhury, the learned counsel for the petitioners. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State of Assam.

By this application under Section 438 Cr.P.C., the petitioners, namely, **(1) Jayanta Kumar Das and (2) Karna Kundal Bharali**, are seeking pre-arrest bail in connection with Barpeta Police Station Case No. 409/2023 (G. R. No. 1241/2023) registered under Section 120(B)/506/306 of IPC.

Considering the materials so far collected by the Investigating Officer, the statement recorded of independent witnesses suggest that there was a dispute between the petitioners and the deceased regarding some work relating to supply of crops in connection with Food Corporation of India.

The material also reflects that the near the body of the deceased, some poisonous materials were found and that has been seized and the matter has been sent for further investigation and FSL.

Learned Additional Public prosecutor for the state has seriously opposed the application and prayed for its rejection.

Considering the stage of investigation and nature of allegation including the material so far collected, this Court is of the view that, the petitioners have made out a good case for granting them pre-arrest bail in as much as considering the stage of the investigation, in the opinion of the Court that no custodial interrogation shall be necessary.

As such, this Anticipatory Bail Application is hereby disposed of by providing that in the event of arrest in connection with Barpeta Police Station Case No. 409/2023 (G. R. No. 1241/2023) registered under Section 120(B)/506/306 of IPC, the petitioners namely, **(1) Jayanta Kumar Das and (2) Karna Kundal Bharali**, shall be released on bail on furnishing a bond of Rs.30,000/- and one local surety of the like amount each to the satisfaction of the arresting authority subject, further to following condition that:-

- (1) The petitioners shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-charge,
- (2) The petitioners shall not hamper with the investigation, or tamper with the evidence of the case,
- (3) The 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 them from disclosing such facts to the Court or to any police officer,
- (4) The petitioner shall appear before the Officer-in-Charge, Barpeta Police Station within 10 (seven) days from today to get their statement recorded,
- (5) The petitioners shall continue to appear before the Investigating Officer of the above mentioned case after every 15

(fifteen) days from the date of first appearance till such time the attendance is dispensed with by the said investigating officer.

Accordingly, this present bail application stands allowed

**JUDGE**

**Comparing Assistant**