

GAHC010249422023



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

Case No. : Bail Appln./4016/2023

AJIT SINHA
S/O LT. DEBENDR SINHA
R/O BYE LANE NO. 15, UDAY NAGAR,
KOINADHAR, A KHANAPARA, P.S. BASISTHA, P.O. BASISTHA,
DIST. KAMRUP (M), ASSAM, PIN-781022

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

04.12.2023

Heard Mr. S. Choudhury, learned counsel for the accused and also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by the accused, namely, Ajit Sinha, who has been languishing in jail since 16.10.2023, in connection with the Basistha P.S. Case No.621/2023, under Section 120(b)/302 IPC read with Section 25(1)(a) and Section 27(1)(a) of the Arms Act, 1959, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Ajay Nath on 13.10.2023. The essence of allegation made in the aforesaid FIR is that on 12.10.2023 at about 8:10 p.m. in the evening while his brother Anjan Nath was sitting on a bike bearing Registration No.AS-01BM-6614 in front of Khanapara Ganesh Mandir, then some two-wheeler born miscreants shot at him. Thereafter, local residents got him admitted at Metro Hospital, Guwahati, where he was declared dead.

4. Mr. Choudhury, learned counsel for the accused, submits that the accused is a Government servant and no way involved with the offence alleged in the FIR and he was not interrogated by police and he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. K.K. Parasar, the learned Additional Public Prosecutor, Assam, submits that the I.O. has collected sufficient incriminating materials against the accused and he is the conspirator of the entire episode and that the investigation is going on and enlarging the accused on bail at this stage will hamper the investigation and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Parasar, learned Additional P.P.

7. The case diary indicates that the I.O. has collected sufficient incriminating materials in support of the allegation made in the FIR. Further it appears that the accused is one of the conspirators of the offence and that the investigation is going on and the offences are serious in nature and having regards to above, this Court is of the considered opinion that this is not a fit case where the privilege of bail can be granted to the accused and accordingly, the petition stands dismissed.

8. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant