

GAHC010269942023



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

Case No. : AB/4123/2023

LABANG BORO AND 2 ORS.
S/O- PRAHALLAD BORO, VILL.- DEBARGAON, P.S. AND DIST.
KOKRAJHAR, ASSAM

2: LAL BAHADUR BORO @ LALBAHADUR BASUMATARY
S/O- LATE GANGAI BORO @ SAMBARU BASUMATARY
VILL.- DEBARGAON
P.S. AND DIST. KOKRAJHAR
ASSAM

3: NEPAL BORO @ PANESWAR BRAHMA
S/O- RAJKUMAR BORO @ PRABHAT BRAHMA
VILL.- BANGALDOBA
P.S. AND DIST. KOKRAJHAR
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R GOSWAMI

Advocate for the Respondent : PP, ASSAM

Linked Case : Bail Appln./4449/2023

GANESH BRAHMA @ GANESH BORO AND ANR
S/O- LATE SACHIMOHON @ SACHIMOHAN BRAHMA @ BORO
VILL.- BANGALDOBA PT-1
P.S. AND DIST. KOKRAJHAR

ASSAM

2: JITEN BORO @ JITEN BRAHMA
S/O- LATE AJIT BORO @ AJIT BRAHMA
VILL.- BANGALDOBA PT-1
P.S. AND DIST. KOKRAJHAR
ASSAM
VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. R GOSWAMI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

Linked Case : AB/4157/2023

BICHITRA NARAYAN BORO @ KHEPARO BORO
S/O LT. PRAHLAD CH. BORO
VILL- DABORGAON
P.O. DABORGAON
P.S. KOKRAJHAR
DIST. KOKRAJHAR
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. R GOSWAMI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

21.12.2023

Heard Mr R Goswami, learned counsel for the petitioners.

2. The petitioners, Ganesh Brahma @ Ganesh Boro and Jiten Boro @ Jiten Brahma, have filed the Bail Application No. 4449/2023, under Section 439 CrPC, with prayer for bail, as they are behind bars since 01.11.2023.
3. The other petitioners, Labang Boro, Lal Bahadur Boro @ Lalbahadur Basumatary, Nepal Boro @ Paneswar Brahma and Bichitra Narayan Boro @ Kheparo Boro, have has filed the AB No. 4123/2023 and AB No. 4157/2023, respectively, under Section 438 CrPC, with prayer for pre-arrest bail, as they are apprehending arrest in connection with the case mentioned hereinbelow.
4. All the petitioners have filed their bail applications in connection with Chapar PS Case No. 279/2012, under Sections 120/147/148/302/201 IPC, read with Section 27 of the Arms Act and Chapar PS Case No. 280 of 2012, under Sections 120(B)/147/148/302/201/326/307 IPC, read with Section 27 of the Arms Act.
5. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.
6. It is submitted on behalf of the petitioner, Bichitra Narayan Boro @ Kheparo Boro that he is serving as a Postmaster and he was not present at the place of occurrence.
7. It is also submitted on behalf of the petitioners in AB No. 4123/2023 and AB No.

4157/2023, that although they are apprehending arrest, they are not involved in this case.

Some militants have eliminated Javed and Rezakul.

8. The learned Additional Public Prosecutor has raised objection against the bail petition, stating that there are incriminating materials in the Case Diary, against the petitioner.

9. The statements of witnesses recorded under Section 164 CrPC incriminates the present petitioners.

10. I have considered the submissions at the Bar with circumspection. I have perused the Case Diary and the statements of the witnesses.

11. Indeed, there are incriminating materials in the Case Diary, against the petitioner. The petitioners are booked under heinous offences. Investigation is still at its nascent stage. At this juncture, there appears to be no justified ground to grant bail to the petitioners. Hence, petitions are rejected at this stage.

12. Bail Applications stand disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant