

GAHC010003572024



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

**Case No. : Bail Appln./102/2024**

BHAGYAJYOTI HAZARIKA RONGPI  
S/O- SRI JITEN HAZARIKA RONGPI, R/O- VILLAGE- BORBIL, P.S.  
HOWRAGHAT, DISTRICT- KARBI ANGLONG, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR. S SAIKIA**

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

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**  
**ORDER**

**11.01.2024**

Heard Mr. S. Saikia, learned counsel for the accused and Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

**2.** This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Sri Bhagyajyoti Hazarika Rongpi**, who has been languishing in jail hazot since 30.12.2023, in connection with the **Bhangagarh P.S. Case No. 334/2023**, under Sections 353/419/420/294 of the IPC, for granting bail.

**3.** The said case has been registered on the basis of one FIR lodged by one Dr. Prerana Das, on 29.12.2023. The essence of allegation made in the FIR is that on the night of 28.12.2023, at about 10:30 pm, while she was on duty, one Bhagyajyoti Hazarika entered into her room and by introducing himself as a politician, misbehaved with her.

**4.** Mr. Saikia, learned counsel for the accused submits that the accused person was arrested on 30.12.2023, and since then he has been languishing in jail hazot for last 12 days. Mr. Saikia further submits that though the case was registered under Sections 353/419/420/294 of the IPC, the Sections 294/419 of the IPC, are bailable offences and therefore, it is contended to allow this petition.

**5.** On the other hand, Mr. Sharma, learned Additional Public Prosecutor, has opposed the bail petition and has prayed for calling the case diary to ascertain the veracity of the allegation made against the accused.

**6.** Having heard the submission of learned counsel for both the parties, I have carefully gone through the petition as well as the documents placed on record.

**7.** It appears that the accused person was arrested on 30.12.2023, and since then he has been languishing in jail hazot for last 12 days. Further, it appears that the case was registered under Sections 353/419/420/294 of the IPC and out of these Sections, two are bailable offences.

**8.** Balancing the period of detention with the nature and gravity of the offence and also considering the submissions of learned counsel for both the parties, this Court is inclined to allow this petition. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- each only, with one surety of like

amount to the satisfaction of the learned **Chief Judicial Magistrate, Kamrup [M] at Guwahati**, the accused be enlarged on bail.

**9.** In terms of above, this bail application stands disposed of.

Comparing Assistant

**JUDGE**