

GAHC010010892024



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

**Case No. : I.A.(Crl.)/61/2024**

SAIBUR RAHMAN BARBHUIYA  
S/O TAYABUR RAHMAN BARBHUIYA, R/O HOUSE NO. 939, KADAMTOLA  
PART IV, RONGPUR, SILCHAR, PS SILCHAR, DIST. CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. S K TALUKDAR**

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

**BEFORE**  
**HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**  
**ORDER**

**07.02.2024**

Heard Mr Z Kamar, learned Senior Counsel, assisted by Ms Tapasya Sarma, learned counsel for the applicant, Saibur Rahman Barbhuiya.

2. The applicant has filed this application under Section 439 (1) (b), read with Section 482 CrPC, in connection with Bail Application No. 2384/2018, whereby and wherein the petitioner was granted bail by this Court on 11.10.2018.

3. It is submitted that the applicant is a Bachelor in Civil Engineering and he is looking for a job, at present and he is likely to be appointed soon.

4. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.

6. It is also submitted that the petitioner will cooperate with the trial of Special Case No. 02/2017, arising out of Dibrugarh PS Case No. 936/2016, registered under Sections 7/13(1)(a)(b)(d)(2) of the Prevention of Corruption Act, read with Sections 120(B)/420/463/468/ 471/201 IPC.

7. It is submitted that the petitioner is willing to abide by the other bail conditions, imposed upon him, vide order dated 11.10.2018, in connection with Bail Application No. 2384/2018, but the petitioner has submitted his prayer for modification of the bail condition Nos. (b) and (e) of the absolute bail order dated 11.10.2018. The learned Senior Counsel for the petitioner has also relied on the order dated 20.12.2023, passed in IA(Crl.) No. 1148/2023 and order dated 19.02.2023, passed in IA(Crl.) No. 993/2023, whereby the bail condition was modified.

8. The learned Senior Counsel has also submitted that on the principle of parity, a similar order may be passed in connection with this case. As per bail conditions-‘b’ and ‘e’, the petitioner was directed-

***“b. They shall remain present before the Court on the dates fixed for***

*hearing of the case. if they want to remain absent, then they shall take prior permission of the Court and in case of unavoidable circumstances for remaining absent, they shall immediately give intimation to the appropriate Court that they may be permitted to be present through the counsel.*

*e. They would not leave the territorial limits of the trial Court without the written permission of the trial Court.”*

9. After considering the submissions at the Bar, I deem it fit to modify the order. Accordingly, the order dated 11.10.2018, passed in Bail Application No. 2384/2018, is hereby modified to the extent that the conditions-‘b’ and ‘e’, shall stand cancelled.

10. Interlocutory Application stands disposed of.

11. This order shall form a part of the order dated 11.10.2018, passed in Bail Application No. 2384/2018.

**JUDGE**

**Comparing Assistant**