

GAHC010020202024



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

**Case No. : Bail Appln./315/2024**

JAYANTA BISWAS  
S/O KRISHNA BISWAS, R/O HEKERA, BOKO, PS- BOKO, DIST-KAMRUP(R),  
ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR. M BISWAS**

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

**BEFORE**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**Date : 09.02.2024**

- 1.** Heard Mr. M. Biswas, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, appearing for the State of Assam.
- 2.** The scanned copy of the case record which was called for has not

arrived, however, the learned counsel for the petitioner has submitted that the petitioner has been detained behind the bars since 17.10.2023 i.e., for the last 115 days and the charge-sheet has already been laid and therefore, there is no justification to detain the petitioner behind the bars as he is ready to face the trial.

**3.** The gist of accusation in this case is that on 16.10.2023 one Monika Bhuyan had lodged an FIR before the Officer-In-Charge of Fatasil Ambari Police Station, *inter-alia*, alleging that on 15.10.2023 at about 11.30 PM, one Rajdeep Bhuyan, Nitul Deka and the present petitioner along with some other person had engaged in a fighting and thereafter, Nitul Deka set fire to complainant's house and destroyed the household items.

**4.** Learned counsel for the petitioner has submitted that the mere perusal of the FIR would show that the allegation against setting on fire of the complainant's belonging is against the co-accused Nitul Deka and not against the present petitioner.

**5.** Learned counsel for the petitioner has also submitted that the main accused Shri Nitul Deka was granted bail by this Court by order dated 11.01.2024 passed in B.A.109/2024.

**6.** Learned Additional Public Prosecutor has submitted that the perusal of the LCR may be necessary for consideration of the instant bail application.

**7.** I have considered the submissions made by the learned counsel for both the parties as well as perused the materials available on record.

**8.** Since on perusal of the record it appears that the petitioner has been languishing behind the bars for the last 115 days whereas the main co-accused has already been released on bail, the perusal of the LCR is hereby dispensed with. In view of the fact the petitioner is ready to face the trial, this Court find

no justification detaining the present petitioner any further.

**9.** In view of the above, the petitioner, namely, Jayanta Biswas is hereby allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand Only) with a suitable surety of like amount to the satisfaction of the learned Additional Sessions Judge (FTC) No. 4, Kamrup (Metro), Guwahati subject to the conditions:

- i. That the petitioner shall cooperate in his trial and shall regularly appear before the trial court;
- ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any listed witnesses in this case, so as to dissuade them from deposing against him in the trial pending against him.

**10.** With the above observations, this bail application is hereby disposed of.

**JUDGE**

**Comparing Assistant**