

GAHC010025302024



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

Case No. : Crl.Pet./137/2024

SANJAY DAS AND ANR
S/O SAKAL DEV DAS
VILL- RUSTAMPUR, P.S. RAGHAV PUR, DIST. BAISHALI, STATE- BIHAR,
PIN-844128

2: SHIV RATAN DAS
S/O JAY MANGALI DAS
VILL- RUSTAMPUR P.S. RAGHAV PUR
DIST. BAISHALI
STATE - BIHAR
PIN-84412

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2: APURBA TALUKDAR
S/O BASUDEV TALUKDAR

R/O VILL- BAMAKHATA
P.S. PATACHARKUCHI
DIST. BARPETA
ASSAM
PIN-78132

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

09.02.2024

Heard Mr. M. Khan, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Public Prosecutor for the State respondent.

This is an application filed under Sections 482 of the Code of Criminal Procedure, 1973 praying for modification of the terms and conditions imposed in the bail order dated 29.11.2023 passed by the learned Special Judge, Bongaigaon, Assam.

It is submitted by the learned counsel for the petitioners, Mr. Khan, that though the accused petitioners were granted bail on 29.11.2023, but, they are still behind the bar, as they could not procure any government servant residing in Assam as a bailor as per the bail conditions. He also submits that both the petitioners' are the residents of Bihar who have no any relative/friend or any known person residing in Assam. Therefore, the learned counsel for the petitioners on behalf of the accused/petitioners prays for modification of the bail order dated 29.11.2023 and if the same is allowed, they are ready to abide with, any conditions imposed upon them.

In this context, the learned Public Prosecutor, Mr. Borthakur, has submitted that the Trial Court has rightly imposed the bail condition to procure the attendance of the accused/petitioners, as there is every chance of fleeing away from the State. Thus, he raised objection on the prayer made by the learned counsel for the petitioners.

Considering the entire submissions made by learned counsels of both sides, I find it appropriate to make some sought of modification in the bail order dated 29.11.2023 passed by the learned Special Judge, Bongaigaon, Assam. Accordingly, the petitioners namely **Sanjay Das** and **Shiv Ratan Das** be enlarged on bail by furnishing a bond of Rs. 50,000/- (Rupees

twenty thousand) only each with two local surety of like amount to the satisfaction of the learned Special Judge, Bongaigaon, Assam along with a direction to submit a photo copy (s) of Aadhaar Card, Pan Card, Bank Passbook, Voter ID Card etc. before the learned Trial Court at the time of furnishing their bail bonds.

With above modification, this criminal proceeding stands disposed of.

Sent a copy of this order to the learned Trial Court for information.

JUDGE

Comparing Assistant