

GAHC010026692024



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

Case No. : Bail Appln./396/2024

HRISHIKESH RAJBONGSHI
R/O DHEKIAJULI,
WARD NO. 5,
P.O. AND P.S. DHEKIAJULI
DIST. SONITPUR, ASSAM
PIN-784110

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R BORO

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 09.04.2024

Heard Mr. D. Das, learned counsel for the petitioners. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

2. This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the petitioner, namely, **Hrishikesh Rajbongshi**, in connection with **Dhekiajuli P.S. Case No. 20/2024**, registered under Section **302 IPC r/w Section 75 of Juvenile Justice (Care & Protection of Children) Act, 2015**.

3. It is submitted by the learned counsel for the petitioner that on 26.01.2024 in the absence of the petitioner, a quarrel took place between the victim and one worker namely Gadi Topno @ Bharat, for which the victim sustained grievous injuries. Thereafter, the petitioner told the victim to go with him to hospital but he refused. On 28.01.2024 at about 9 a.m., the victim suddenly fell down and seeing the condition, the petitioner took him to Bishnujyoti Super Specialty Hospital, wherein he was declared dead by the doctor.

4. It is further submitted that the petitioner is no way involved in the instant case. In the forwarding report, it is specifically mentioned that during interrogation, the said Gadi Topno @ Bharat accepted his guilt that he had beaten the deceased before he died. The father of the deceased without knowing the actual facts, falsely implicated the petitioner in this case. It is also submitted that the petitioner has been detained in custody since 30.01.2024. Considering the background of the case and the nature of the offence, bail may be granted to the petitioner.

5. On the other hand, Mr. Goswami, learned Additional Public Prosecutor for the State has vehemently objected to the prayer of the accused/petitioner by stating that the petitioner is very much involved in the alleged offence and there is sufficient incriminating materials found in the case diary against the petitioner.

Considering the nature of offence, the prayer of the petitioner may not be considered at this stage.

6. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

7. As per case diary, it reveals that the petitioner assaulted the victim with sharp weapon for which he succumbed to his injuries.

8. In view of the above, this Court is not inclined to grant bail to the petitioner. Hence, prayer for bail is rejected.

9. The pre-arrest bail application stands disposed of accordingly.

10. Return the case diary.

JUDGE

Comparing Assistant