

GAHC010039082024



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

Case No. : AB/536/2024

SANJIB HAZARIKA
S/O BIPUL HAJARIKA,
R/O KONWAR GAON,
P.S. NORTH LAKHIMPUR
DIST. NORTH LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. K BORUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

15.03.2024

Heard Mr. M. Alam, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, for the State respondent.

This is an application under Section 438 of the Code of Criminal

Procedure, 1973 for granting the privilege of pre-arrest bail to the accused petitioner, namely, i.e. Sri Sanjib Hazarika, who is appending arrest, in connection with North Lakhimpur P.S. Case No. 09/2024, registered under Section 341/294/325/307/34 of the IPC.

The case of the prosecution is that on 16.01.2024, an FIR was lodged alleging *inter-alia* that on 14.01.2024, at around 9:00 PM, the elder brother of the informant was returning home on the occasion of Bihu, saw a broken bamboo fence lying in disoriented manner and accordingly, suggested to the youths to remove the fence so that the road becomes clear. However, the youths became angry and started abusing the elder brother of the informant with filthy languages. Though he tried to run, later on the FIR named accused persons and others assaulted the elder of the informant severely with a stick on his head resulting in severe injuries.

Accordingly, a case was registered.

Mr. Mr. M. Alam, learned counsel for the petitioner submits that the petitioner is not involved in the alleged offence.

Mr. K.K. Parasar, learned Additional Public Prosecutor, for the State respondent submits that it appears from the materials collected by the Investigating Officer that it is the petitioner, who had assaulted the injured with a bamboo stick in his head causing grievous injuries. He further submits that the investigation is at an active stage.

I have heard the submissions made at the bar and have perused the materials available on record. It appears that there are materials available on record implicating that the petitioner has participated in the assault and it is the petitioner, who had caused the grievous injury to the deceased. It further appears that the petitioner is not co-operating with the investigation and is

absconding. In order to unearth the truth, custodial interrogation of the petitioner is necessary. Accordingly, the prayer for anticipatory bail is rejected at this stage.

With the above observation, this anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant