

GAHC010039082024



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

Case No. :

Bail Appln./583/2024

RAJ KISHOR BHUYAN
S/O LATE AMRIT BHUYAN
RESIDENT OF VILLAGE KONWAR GAON
PS NORTH LAKHIMPUR
DIST LAKHIMPUR
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for : MS P DAS
Advocate for : PP
ASSAM appearing for THE STATE OF 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 439 of the Code of Criminal Procedure, 1973 for release on regular bail of the accused petitioner, i.e. Sri Raj Kishor Bhuyan, who is apprehending 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. He also submits that the petitioner has been languishing in the jail for the last 53 days.

Mr. K.K. Parasar, learned Additional Public Prosecutor, for the State respondent submits that though the presence of the petitioner is seen in terms of the materials collected by the Investigating Officer, however no specific role has been attributed to the petitioner.

Considering the length of detention and the entirety of the matter, this court is inclined to grant the privilege of bail.

Accordingly it is, provided that the accused petitioner named above, shall

be released on bail in connection with the above noted case with a bail bond of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur, subject to the conditions that:-

- (i) the accused petitioners shall co-operate in the investigation;
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from deposing against the petitioner in the pending trial against them.
- (iii) the petitioner shall refrain from committing any offence similar to that with which he has been accused of in the instant case.

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

JUDGE

Comparing Assistant