

GAHC010068632024



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

Case No. : AB/861/2024

PULAKITA PATGIRI AND 2 ORS.
W/O LATE AMAR JYOTI DEKA
R/O WARD NO. 4, TANGLA
P.S. TANGLA
DIST. UDALGURI, ASSAM
PIN-784521

2: ANKITA PATGIRI
W/O SRI RAKESH BANIA
R/O WARD NO. 4
TANGLA
P.S. TANGLA
DIST. UDALGURI
ASSAM
PIN-784521

3: RAKESH BANIA
S/O SRI TULSI BANIA
R/O HAZARIKAPARA
P.S. SIPAJHAR
DIST. DARRANG
ASSAM
PIN-78414

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N SARKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

22.05.2024

Heard Mr N Sarkar, learned counsel for the petitioners, 1) Smti Pulakita Patgiri, 2) Smti Ankita Patgiri and 3) Sri Rakesh Bania.

2. The petitioners have filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as they are apprehending arrest in connection with Kalaigaon PS Case No. 20/2024, under Sections 120(B)/302 IPC.

3. Heard Mr D Das, learned Additional Public Prosecutor for the State of Assam/respondent.

4. Allegations were brought up against the petitioners by the mother-in-law of the petitioner No. 1.

5. It is submitted on behalf of petitioners that all the petitioners were travelling in the Alto Car, bearing Registration No. AS-01-MC-2034 and they met with an accident as the car plunged into a pond, killing Amarjyoti Deka. The other petitioners were rescued by the neighbouring people, who witnessed the accident.

6. I have also scrutinized the Case Diary.

7. It is submitted at the Bar that this incident was an accident and not culpable

homicide amounting to murder.

8. The petitioners were granted interim bail vide order dated 03.04.2024. The petitioners have already appeared before the IO and they have cooperated with the investigation. The petitioners have not violated any bail conditions.

9. In view of my foregoing discussions, interim bail order dated 03.04.2024, is hereby made absolute.

10. Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant