

GAHC010087232024



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

Case No. : Bail Appln./1268/2024

SANJIB HAZARIKA
S/O BIPUL HAZARIKA
R/O KONWAR GAON, P.S. NORTH LAKHIMPUR, DIS. 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
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

16.05.2024

Heard Mr K Boruah, learned counsel for the petitioner. Also heard Mr D Das, learned Additional Public Prosecutor for the State respondents.

2. This is an application under Section 439 of the Code of Criminal Procedure, 1973, for release on regular bail of the accused petitioner, Sri Sanjib Hazarika, who has been arrested on 24.03.2024, in connection with North Lakhimpur PS Case No. 09/2024,

registered under Sections 341/294/325/307/34 of the Indian Penal Code, 1860 and added Section 302 IPC.

3. 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 09:00 pm, the elder brother of the informant was returning home on the occasion of Bihu and when he saw a broken bamboo fence lying in disoriented manner, he accordingly suggested 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 language. Though he tried to run, later on, the FIR named accused persons and others assaulted the elder brother of the informant severely with a stick on his head, resulting in severe injuries. Accordingly, an FIR was registered.

4. Mr K Boruah, 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.

5. Mr D Das, learned Additional Public Prosecutor for the State respondents, submits that the Case Diary reveals that one of the co-accused has implicated the petitioner in the offence alleged.

6. Considering the length of detention and the entirety of the matter, this Court is of the considered opinion that further detention of the petitioner may not be necessary for the ongoing investigation. Accordingly, it is provided that the accused petitioner, named above, shall be released forthwith, on bail in connection with the above noted case with a bail bond of Rs. 30,000/-, with a suitable surety of the like amount to the satisfaction

of the learned Chief Judicial Magistrate, Lakhimpur, subject to the conditions that-

- (i) the accused petitioner 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 him.
- (iii) the petitioner shall refrain from committing any offence similar to that with which he has been accused of, in the instant case.

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

8. Return the Case Diary.

JUDGE

Comparing Assistant