

GAHC010105122024



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

Case No. : Bail Appln./1512/2024

ROSHAN SINGH AND ANR
S/O LATE ABDESH SINGH,
PERMANENT RESIDENT OF LARAN SINGHIRA, WARD NO. 6, PS SINGHIRA,
DIST SAMASTIPUR, BIHAR ,
PRESENTLY RESIDENT OF HOUSE NO. 41, TENT HOUSE GALI, SANTIPUR,
PO AND PS BHARALUMUKH, DIST KAMRUP M ASSAM 781009

2: CHANDAN BHAGAWAT
S/O LATE NAGESWAR BHAGWAR

PERMANENT RESIDENT OF MURAPUR PATTY
SISHUWA
PS BUNURAJ
DIST MUZZAFARPUR
BIHAR

PRESENTLY RESIDENT OF C/O PUTUL DEV.
SENAPATTY COLONY
SILPUKHURI
PS CHANDMARI PO SILPUKHURI
DIST KAMRUP M ASSAM 78100

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. T N DAS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

16.07.2024

1. Heard learned counsel Ms. Purabi Deka for the petitioners namely, (i) Roshan Singh and (ii) Chandan Bhagawat.
2. This application has been filed by the petitioner under Section 439 of the Cr.PC with prayer for bail as they are behind bars since 150 days in connection with Sessions case No. 54/2024 arising out of Bharalumukh P.S. Case No. 25/2024 under Sections 498(A)/326/307/34 of the IPC.
3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.
4. Learned Additional Public Prosecutor has submitted that Charge-sheet has been laid against the petitioners. The petitioners are not entitled to bail as the victim may be threatened, if they are at large. The victim who is the wife of petitioner No. 1 and sister of petitioner No. 2 has sustained grievous injuries as she was allegedly set ablaze by the petitioners. It is indeed a case under Section 307 of the IPC along with Section 326 of the IPC.
5. I have considered the submissions at the Bar with circumspection.
6. I have also considered the submissions on behalf of the petitioners that they are willing to co-operate with the remaining part of the trial.
7. They have pledged to appear regularly and not jump the bail. It is further

submitted that they are local residents and not flight risks. The petitioner No. 1 is the sole bread winner of his family.

8. It is further submitted that if the petitioners are at large, the trial may not be affected as the petitioners have pledged to co-operate with the trial.

9. I have also perused the scanned copies of the Trial Court Records as well as the scanned copies of the Case Diary.

10. Considering all aspects and in view of my foregoing discussions, Petition is allowed. The petitioners are enlarged on bail of Rs 50,000/- each (Rupees fifty thousand), with a suitable surety of like amount to the satisfaction of the learned Trial Court.

11. The Trial Court may impose conditions to secure the attendance of the petitioners during the trial.

JUDGE

Comparing Assistant