

GAHC010127812024



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

Case No. : Bail Appln./1843/2024

RAMA KANTA NATH
S/O LATE SRIKANTA NATH
R/O SIPAJHAR, SATGHORIA
P.S. SIPAJHAR
DIST. DARRANG, ASSAM
PIN-784145
PH. NO. 967601368

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M SHARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

26.06.2024

Heard Mr. S. Deka, learned counsel for the accused and also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under section 439 Cr.P.C. is preferred by accused, namely, Rama Kanta Nath, who has been languishing in jail hazot since 10.06.2024, in connection with Panbazar P.S. Case No.08/2024, under Section 406/420/468/471 IPC, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of one FIR lodged by one Smt. Subhashree Das, on 29.12.2023. The essence of allegation made in the aforesaid FIR is that her father late Jatin Das was the owner of a plot of land measuring 2 katha 9.97 lechas covered by Dag No.152 in K.P. Patta No.352 of village Ramsahil grant under Ulubari Mouza and after the death of her father, she came to know that her brother Arup Jyoti Das's name was mutated in the jamabandi without her and her sister's knowledge. Thereafter, she filed one RTI petition asking the details about the same and after receiving the RTI reply dated 29.07.2023 along with affidavit dated 21.05.2022, she came to know that her brothers, namely, Shri Nabajyoti Das, Shri Ghanashyam Das and Arup Jyoti Das have jointly forged her signature along with the signature of her sister, namely, Pranita Das and Jonali Das in the affidavit dated 21.05.2022 and notarized the same before one Notary and produced the same before the Circle Officer for getting the mutation in the name of Shri Arup Jyoti Das.

4. Mr. Deka, learned counsel for the accused submits that the accused is a Lat Mandal by profession and he was arrested on 10.06.2024 and since then he has been languishing in jail hazot for last 16 days and that the allegation against him is that being the process server he has served notice upon a wrong person and that one of the co-accused has already been granted bail by this Court, vide order dated 12.03.2024 in Bail Appln. No.675/2024 and that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. Whereas, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected some materials in support of the allegation made in the FIR. Mr. Lahkar further submits that the investigation has progressed significantly and the I.O. has collected the FSL report also.

6. Having heard the submissions of learned Advocates of both sides, I have carefully

gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Lahkar, learned Additional P.P.

7. The case diary indicates that the investigation of the case has progressed sufficiently and that the I.O. has also collected the FSL report. Further, it appears that the accused is languishing in jail hazot for last 16 days and the main accused has already been granted bail by this Court vide order dated 12.03.2024 in Bail Appln. No.675/2024.

8. Having considered above and also considering the nature and gravity of the offence and the punishment prescribed for the same, this Court is inclined to allow the petition. Accordingly, it is provided that on furnishing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the learned C.J.M., Kamrup(M), the accused, namely, Rama Kanta Nath, be enlarged on bail. Case diary be returned.

9. In terms of above, this bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant