

GAHC010128992024



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

Case No. : AB/1680/2024

PRASHANTA DAS AND ANR
S/O NILA KANTA DAS, R/O VILL- MATAKGAON, NEAR SHIV MANDIR, P.O.-
SENCUOWA, P.S.-NAGAON, DIST- NAGAON, ASSAM, PIN-782002

2: SAMPAK KAKATI
S/O BIPUL KAKATI
R/O IRRIGATION COLONY
DIPHU
P.O.-DIPHU
P.S.-DIPHU
DIST- KARBI ANGLONG
ASSAM
PIN-78246

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : S AHMED, MS A HUSSAIN,MR. M I HUDA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 19.08.2024

Heard Mr. S. Ahmed, the learned counsel appearing for the petitioners as well as Mr. K.K. Parasar, the learned Additional P.P. for the State of Assam.

2. This is an application under Section 438 of the Cr.P.C. in respect of Nagaon P.S. Case No.1304/2022.

3. On the night of 08.11.2022, at about 9.30 PM, Kalyan Jyoti Saikia had a quarrel with some persons in a *Raash Utsav*. After that, when he was returning home, the present petitioners alongwith one Monoj Bordoloi hit him with a motorcycle and scooter. Thereafter, he was badly beaten up, as a result of which, Kalyan Jyoti Saikia died in the hospital next morning.

4. Both the petitioners have appeared before the Investigating Officer pursuant to the interim bail granted by this Court. They have denied their involvement before the Investigating Officer, but the case diary contains incriminating materials against them. Therefore, their custodial interrogation is necessary.

5. Therefore, the present bail application stands dismissed.

6. The interim order passed earlier stands vacated.

The bail application stands disposed of.

JUDGE

Comparing Assistant