

GAHC010137362024



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

Case No. : Bail Appln./1991/2024

NARESH KUMAR SAHANI AND 4 ORS.
S/O RAMBABU SAHANI,
VILL.- MATHIYA-BARIYARPUR, P.S.- PIPRA KOTHI, DIST.- EAST
CHAMPARAN, STATE- BIHAR, PIN- 845401.

2: SUDISH PASWAN
S/O LATE DHANSETH PASWAN

VILL.- MATHIYA-BARIYARPUR
P.S.- PIPRA KOTHI
DIST.- EAST CHAMPARAN
STATE- BIHAR
PIN- 845401.

3: SAHEB KUMAR
S/O NARAK MAHATO

VILL.- MATHIYA-BARIYARPUR
P.S.- PIPRA KOTHI
DIST.- EAST CHAMPARAN
STATE- BIHAR
PIN- 845401.

4: NAVIN PASWAN
S/O INDAL PASWAN

VILL.- MADHAPUR
P.S.- TURKAULIA
DIST.- EAST CHAMPARAN
STATE- BIHAR
PIN- 845401.

5: JITENDRA KUMAR SAHANI
S/O LAL BABU SAHANI

VILL.- HARIPUR JUNEDA
P.S.- MOTIPUR
DIST.- MUZAFFARPUR
STATE- BIHAR
PIN- 842001

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

17.07.2024

1. Heard learned counsel Mr. S. C. Biswas for the petitioners namely (i) Naresh Kumar Sahani, (ii) Sudish Paswan, (iii) Saheb Kumar, (iv) Navin Paswan, and (v) Jitendra Kumar Sahani.
2. This application has been filed by the petitioners under Section 483 of the BNSS with prayer for bail as they are behind bars since 33 days in connection with Manikpur P.S. Case No. 88/2024 under Sections 120(B)/395 of the IPC.
3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.
4. I have considered the submissions at the Bar with circumspection. I have also scrutinized the Case Diary.
5. It is submitted on behalf of the petitioners that the FIR prima facie reveals

that a false case has been slammed against them. It is not believable that for an exchange of Rs. 1 lac, any diligent person will part with Rs. 15,000, although, it is alleged that the petitioners induced the informant to part with Rs. 15,000 and in exchange, the petitioners paid Rs. 1 lac which was allegedly stolen from Dimapur. It is further submitted that it has been falsely alleged that instead of Rs. 1 lac, blank paper was given by the petitioners to the informant.

6. The Case Diary reveals that there are incriminating materials against the petitioners. It is alleged that they had been operating around the region as members of the same gang and they had duped several innocent persons in this manner.

7. The Case Diary reveals that investigation has progressed to a considerable extent.

8. I have considered the submissions that the petitioners are willing to co-operate with the remaining part of the investigation and abide by any stringent bail conditions if imposed upon them. The petitioners being local residents are not flight risks.

9. Considering all aspects and in view of my foregoing discussions, Petition is allowed. The petitioners are enlarged on bail of Rs 30,000/- (Rupees thirty thousand) each, with a suitable surety of like amount to the satisfaction of the Elaka Magistrate under the conditions that:

(i) the petitioners shall refrain from such activities with which they are alleged, and

(ii) the petitioners shall not leave the jurisdiction of the Court without prior permission.

10. On breach of any of the bail conditions, bail order shall stand cancelled.

11. Send back the Case Diary.

JUDGE

Comparing Assistant