

GAHC010142322024



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

Case No. : AB/1864/2024

NISHANTA BAISHYA
S/O REKHA BAISHYA, R/O NAMGHAR PATH, SIXMILE, CHACHAL, P.O.-
KHANAPARA, P.S.-DISPUR, DIST- KAMRUP (M), ASSAM-781022

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR K THAKUR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 26-07-2024

Heard Mr. B.M. Deka, learned counsel for the petitioner Nishanta Baishya, who has filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with Dispur Police Station Case No. 632/2024 under Sections 326/307/120(B)/109 of the Indian Penal Code, 1860.

2. Heard Mr. M.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.
3. The allegation against the petitioner is that on 22.06.2024, the brothers of the informant Fahed Khan and Wahed Khan were attacked by the petitioner with a knife and both the injured persons had sustained cut injuries and were admitted at the GMCH for treatment. It is submitted that Miss X sent the petitioner to assault the injured persons due to a dispute arising out of a love relationship with Wahed Khan.
4. It is submitted on behalf of the petitioner that the petitioner is the victim in this case. On the date of the incident, the petitioner was attacked by Wahed Khan and his friends.
5. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary. The Annexure-B series clearly reveals that the petitioner has sustained severe injuries on his finger and he has to undergo treatment. The discharge report is also appended along with the Annexure-B series of the petition. I have also scrutinized the Case Diary. It appears that there was a scuffle between both the sides. Investigation has progressed to a considerable extent. The petitioner has also sustained grievous injuries on his finger.
6. I have considered the submissions that the petitioner is willing to cooperate with the remaining part of the investigation and to abide by any stringent bail conditions if imposed upon him. The petitioner is a local resident and he is not a flight risk. It appears that custodial interrogation may not be required.
7. Considering all aspects and in view of foregoing discussions, petition is

allowed. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of *Rs.50,000/- (Rupees Fifty Thousand)* with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:

(i) The petitioner shall appear before the Investigating Officer within one week.

(ii) The petitioner shall refrain from such activities with which he is alleged and maintain the peace.

(iii) The petitioner shall not leave the jurisdiction of the Court without prior permission.

(iv) The petitioner shall not exercise threats to the witnesses or tamper with the evidences.

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

9. Send back the Case Diary.

10. In terms of the aforesaid observations, this Anticipatory Bail application stands disposed of.

JUDGE

Comparing Assistant