

GAHC010152142024



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

Case No. : Bail Appln./2237/2024

BISHAL BARAIK @ BISHAL BORAIAK
S/O GANESH BARAIK, VILL- CHINATOLIA BAGAN PURONA LINE, P.O.-
KAKOI RAJGARH, P.S.-BOGINODI, PIN-787051, DIST- LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B BORGOHAIN, MR B SAIKIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

02.08.2024

1. Heard learned counsel Mr. B. Borgohain for the petitioner Bishal Baraik.
2. This application has been filed by the petitioner under Section 483 of the BNSS, 2023 with prayer for bail as he is behind bars since 19.05.2024 in

connection with Boginodi P.S. Case No. 13/2024 corresponding to GR Case No. 310/2024 under Sections 365/370(4)/34 of the IPC.

3. Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

4. The Petitioner has prayed for bail on the ground that the co-accused Mutalim Ali and Biri Yakap have already been enlarged on bail vide order of this Court dated 28.06.2024 in connection with B.A. No. 1754/2024, and vide order dated 22.07.2024 in connection with B.A. No. 2012/2024. The orders of this Court are marked as Annexure- 4 and 5 of the petition.

5. The FIR unfolds that on 30.04.2024, at about 12:30 p.m., the informant's mother and her 12 year old daughter went to meet the informant's sister who was admitted at Chaboti Hospital. While waiting for the vehicle at tempo stand, 2 persons came in a car and asked the informant's mother whether she is willing to take a lift. The miscreants instead of taking the informant's mother and daughter to Chaboti Hospital, took them to Arunachal Pradesh. They dropped the informant's mother at Upper Jumi under Kimin Police Station and kidnapped the informant's daughter. The informant's mother was later recovered.

6. It is submitted on behalf of the petitioner that the informant's daughter had also been recovered.

7. I have also considered the submission that the petitioner is willing to co-operate with the remaining part of the investigation. The petitioner is a local resident and he is not a flight risk.

8. The petitioner is willing to abide by any stringent bail conditions, if imposed upon him.

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

(i) the petitioner shall refrain from such activities with which he is alleged, and

(ii) the petitioner 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.

JUDGE

Comparing Assistant