

GAHC010152952024



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

Case No. : AB/1989/2024

ANJALI BISWAS AND ORS
W/O RANJIT BISWAS,
RESIDENT OF VILLAGE AND PO DUNGARPAR, PS BHURAGAON, DIST
MORIGAON, ASSAM

2: FULMALA BISWAS
S/O DHIREN BISWAS

RESIDENT OF VILLAGE AND PO DUNGARPAR
PS BHURAGAON
DIST MORIGAON
ASSAM

3: MONUHAR BISWAS
S/O LATE LALIT MOHAN BISWAS

RESIDENT OF 1 NO. BHURAGAON
PO BHURAGAON
PS MAYONG
DIST MORIGAON
ASSAM

4: MOTILAL BISWAS

S/O KHAGEN BISWAS

RESIDENT OF VILLAGE DIGHALDARI KAKATI GAON
PO DIGHALDARI
PS RAHA
DIST NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR R A AHMED, MR M AHMED, MRS R BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 30.08. 2024

1. Heard Mr. R.A. Ahmed, learned counsel for the petitioners, (1) Anjali Biswas, (2) Fulmala Biswas, (3) Monuhar Biswas and (4) Motilal Biswas, who have filed this anticipatory bail application under Section 482 of BNSS, 2023, with prayer for granting them pre-arrest bail in connection with Bhurgaon P. S. Case No. 64/2024 under Sections 189(2)/ 189(4)/ 191(2)/ 191(3)/ 190/ 127(2)/ 118(2)/ 109 of B.N.S., 2023.
2. Also heard Mr. B.B. Gogoi , learned Addl. Public Prosecutor for the State respondent.
3. The case diary as called for is received and perused.
4. Allegation against the petitioners is that the petitioners alongwith other accused persons named in the FIR have assaulted the family members of the informant, Sri Bisambar Biswas, his elder brother Sri Shushil Biswas sustained grievous injury on vital part of his body i.e. head. The other family members of the informant, Sri Shunil Biswas, Golapi Biswas and Sushmita Biswas were also injured in the process.
5. I have considered the submissions at the bar with circumspection. The

medico legal report of the victim Sri Shushil Biswas reveals that he has sustained injury on his head and he was hospitalized.

6. It is submitted by the learned counsel for the petitioners that there was a scuffle between both the parties due to land dispute and petitioners were not involved in the alleged incident. The petitioner No. 2 is an elderly person aged about 45 years, the petitioner No. 3 is aged about 61 years whereas the petitioner No. 4 is middle aged person aged about 45 years.

7. It is also submitted that the accused No. 2 dealt blows which caused grievous injuries on Shushil Biswas. The learned Addl. P.P. has raised objection against the prayer of bail on the ground that there are incriminating materials against the petitioners in the case diary .

8. I have scrutinized the case diary. It appears that custodial interrogation may not be necessary for further progress of investigation. The petitioners are willing to cooperate with investigation. Investigation has progressed to a considerable extent.

9. The merits of this case are not brought to the fore.

10. In view of my foregoing discussions, petition is allowed. Accordingly, it is directed that in the event of arrest of the petitioners named above they shall be enlarged on pre-arrest bail on furnishing bond of Rs. 50,000/- each with a suitable surety of like amount to the satisfaction of the arresting authority in connection with the aforesaid case under the following conditions that:-

- (i) the petitioners shall appear before the I.O. within 10 (ten) days from today;
- (ii) the petitioners shall refrain from such activities with which they are alleged;

- (iii) the petitioners shall cooperate with the remaining part of investigation and shall not jump the bail;
- (iv) the petitioners shall not hamper with the investigation or tamper with the evidence of the case.;
- (v) The petitioners shall not leave the jurisdiction of the court without prior permission.

- 11. On breach of any of the bail conditions, pre-arrest bail order shall stand automatically cancelled.
- 12. The bail application is disposed of.
- 13. Send back the case diary.

JUDGE

Comparing Assistant