

GAHC010164562024



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

Case No. : Bail Appln./2423/2024

BITU KUMAR NATH,
S/O SRI BIREN NATH
RESIDENT OF NO. 2 MATHGHARIA VIDYALAYA PATH, PS NOONMATI, DIST
KAMRUP M ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR KUTUB ALI, MR D J DEKA, MD S ALI, MR M RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

16.08.2024

1. Heard learned counsel Mr. S. Ali for the petitioner Bitu Kumar Nath.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 01.08.2024 in connection with Noonmati Police Station

Case No. 158/2024 under Section 303(2) of the BNS, 2023.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that he had committed theft of goat. It is submitted on behalf of the petitioner that a false case has been registered against him.

5. I have also considered the submission that the petitioner is willing to co-operate with the investigation and is also willing to abide by any stringent bail conditions if imposed upon him. The petitioner is a local resident and he is not a flight risk.

6. Considering all aspects, petition is allowed. The petitioner shall be enlarged on bail of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the learned CJM, Kamrup (M), under the conditions that:

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

(ii) The petitioner shall appear before the Investigating Officer every fortnight till completion of the investigation, and

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

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

JUDGE

Comparing Assistant