

GAHC010165582024



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

Case No. : AB/2154/2024

RAM BAHADUR THAPA
S/O D.B. THAPA
R/O BISWANATH CHARIALI
ASSAM, PIN-784177

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. U SAIKIA, MR T NAZIB, MS. S SARMA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 17.09.2024

Heard Mr. U. Saikia, learned counsel appearing for the petitioner as well as Mr. K.K. Parasar, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 482 of BNSS, 2023 praying for grant of pre-arrest bail in respect of Biswanath Chariali P.S. Case No. 144/2024.

3. A 83 year old deceased person was riding a bicycle. Suddenly, a Swift Dzire Car stopped by his side and the driver of the Swift Dzire Car opened the door of the car. As a result of which, the 83 year old person fell on the road. At that time a dumper bearing registration No. AS-12CC-1018 was coming from behind and the dumper ran over the 83 year old person.
4. I have considered the submissions made by the learned counsels of both sides.
5. This Court is of the opinion that at this stage, no criminal liability can be imposed upon the present petitioner, who was the driver of the said dumper. Therefore, custodial interrogation of the petitioner is not necessary. The bail application is allowed.
6. It is hereby directed that in the event of arrest in connection with Biswanath Chariali P.S. Case No. 144/2024, the petitioner, Ram Bahadur Thapa shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the arresting authority.
7. The petitioner shall co-operate with the investigating officer as and when called for.
8. The bail application stands disposed of.
9. The CD shall be returned.

JUDGE

Comparing Assistant