

GAHC010173002024



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

I.A.(Crl.)/812/2024

KANAK MUCHAHARY
S/O. LT. GAGEN MUCHAHARY
R/O. VILL. NO.1 DANGAPARA
P.O. NEHRU BAZAR
P.S. BIJNI
DIST. CHIRANG
(BTC)
ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP
ASSAM.

2:SRI. JAGADISH MUCHAHARY
S/O.LT. GAGEN MUCHAHARY
R/O. VILL. SUBHAJHAR
P.O. NEHRU BAZAR
P.S. BIJNI
DIST. CHIRANG
(BTC)
ASSAM.

Advocate for : MR B C MUCHAHARY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

Linked Case : **Case No. : Crl.A./277/2024**

KANAK MUCHAHARY

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DIST. CHIRANG
(BTC)
ASSAM

Advocate for the Petitioner : MR B C MUCHAHARY, MR R DHAR,J DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 30.08.2024

Heard Mr. R. Dhar, learned counsel appearing for the applicant as well as Mr. P. Borthakur, learned Addl. Public Prosecutor appearing for the state of Assam.

2. This is an application u/s 430 (2) of BNSS, 2023 praying for suspension of sentence in respect of Sessions case No. 178(B)/2018 passed by the learned Addl. Sessions Judge, Bijni. The applicant also prays for releasing him on bail.

3. The applicant was convicted under Section 304 Pt.-II of the Indian Penal Code and he was sentenced to undergo seven years of imprisonment and also pay fine of Rs. 50,000/- with default stipulation.

4. I have gone through the evidence as well as the judgment passed by the learned Addl. Sessions Judge, Bijni. I have also considered the submissions made by the learned counsels

of both sides.

5. This Court is of the opinion that the applicant deserves to be released on bail.

6. Therefore, the sentence imposed upon the applicant shall remain suspended till disposal of the connected appeal.

7. The applicant, namely, Kanak Muchahary is allowed to go on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the learned Additional Sessions Judge, Bijni.

With the aforesaid direction, the interlocutory application stands disposed of.

JUDGE

Comparing Assistant