

GAHC010175452024



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

Case No. : Bail Appln./2572/2024

NAWEEN KUMAR MISHRA
S/O LATE UMESH MISHRA, R/O BHAWAT DHAM, P.S.-DISPUR, GUWAHATI,
DIST-KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D CHOUDHURY, MR. R K SARMA, MR J DAS, MR T CHAKRABORTY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 09.09.2024

- 1.** Heard Mr. T. Chakraborty, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State.
- 2.** This application under Section 483 of the BNSS Act, 2023 has been filed by the petitioner, namely, Sri Naveen Kumar Mishra, who has been detained behind the bars since 11.07.2024 in connection with Bhangagarh P.S.

Case No. 94/2024 under Sections 120B/ 419/ 420/ 465/ 466/ 468/ 471/ 304/ 511 of the Indian Penal Code.

3. The learned counsel for the petitioner has submitted that in the instant for none of the offences for which the case has been registered, against the petitioner, the punishment is more than ten years, therefore, he submits that as per Section 187(2) of the BNSS the maximum period of detention for which the present petitioner may be detained is 60 days and he has already completed 60 days today, therefore, he prays that the petitioner may be allowed to go on bail.

4. On the other hand, learned Additional Public Prosecutor has also produced the case diary of Bhangagarh P.S. Case No. 94/2024 and has submitted that though there are incriminating materials against the petitioner in the case diary, however, for none of the offences against which the petitioner has been charged, the punishment is more than ten years and, hence, maximum period of detention under Section 187(2) of the BNSS is 60 days only.

5. Considering the submissions made by the learned counsel for both the sides and considering the period of detention undergone by the present petitioner, he is allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) with one surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Kamrup(M) with following conditions:-

- i. The petitioner shall cooperate in the investigation;
- ii. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person or persons who may be acquainted with the facts of this case so as to dissuade such persons from disclosing such facts before the Investigating Officer.

6. With the above observation, this bail application is disposed of.

JUDGE

Comparing Assistant