

GAHC010217862024



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

**Case No. : Bail Appln./3186/2024**

LAKHESWAR NATH  
S/O LATE DHARMESWAR NATH, R/O MAZ ROWMARI, P.S.-DHEKIAJULI,  
DIST- SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR. D BORA,

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

**ORDER**

**Date : 22.10.2024**

Heard Mr. N. Mahajan, learned counsel appearing for the petitioner as well as Mr. R.J. Baruah, learned Additional Public Prosecutor appearing for the State of Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for releasing the petitioner, Lakheswar Nath on bail, after he was arrested in connection with Missamari P.S. Case No. 69/2024.

3. The informant lady was in love with the present petitioner. Therefore, their family members

decided to solemnize their marriage. Thereafter, the informant and the present petitioner had physical relationship and the informant became pregnant. It is alleged in the FIR that after that, the petitioner started to avoid the informant. Finally, on 16.06.2024, the informant gave birth to a female child in a hospital. The petitioner got that news and came to see the informant. Thereafter, the informant allegedly disappeared from the hospital.

4. The case diary reveals the same incident as alleged in the FIR.

5. Mr. Mahajan submits that the petitioner had suspected that the baby was not fathered by him and that is the reason why he avoided the informant.

6. I have considered the submissions made by the learned counsels of both sides.

7. The petitioner has already spent 81 days in judicial custody.

8. This Court is of the opinion that under the given facts and circumstances of the case the period of detention already undergone by the petitioner shall be taken as the ground for releasing him on bail.

9. Therefore, the bail application of the petitioner is allowed.

10. It is hereby directed that the petitioner, Lakheswar Nath shall be released on bail of Rs. 20,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Sonitpur at Tezpur.

11. The bail application stands disposed of accordingly.

The CD shall be returned.

**JUDGE**

**Comparing Assistant**