

GAHC010221972024



2024:GAU-AS:13026

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

Case No. : Bail Appln./3235/2024

JONE BARMAN @ BHAKAT
S/O LATE PRAFULLA BARMAN
R/O VILL-MALIKUCHI
P.O. AND P.S. NALBARI
DIST. NALBARI, ASSAM
PIN-781335

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR N SARMA, MR J ABEDIN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

20.12.2024

Heard Mr. J Abedin, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam, for the State.

2) By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Sri Jone Barman @ Bhakat**, Son of Late Prafulla Barman, resident of village Malikuchi, Police Station- Nalbari, District- Nalbari is praying for his bail in **Nalbari Police Station Case No. 285/2024** registered under Sections 61/62/147/148/152/196/197/326(f)/353 BNS, 2023 read with Sections 16/18/20/23/38/39 of the Unlawful Activities (Prevention) Act, 1967 read with Sections 4/5/6/9-B of the Indian Explosives Act, 1884, corresponding to G.R. No. 766/2024, wherein, he was arrested on 22.09.2024 and is in custody since then.

3) As per the FIR dated 16.08.2024, the case is that on 14.08.2024, a video was circulated on various social platforms by the Media that a terrorist organization has given a boycott call on 14.08.2024 with regards to Independence Day celebration of the country and also started an armed struggle all across the State of Assam on 15.08.2024 from 6:00 A.M. to 12:00 P.M. Subsequently on 15.08.2024, a list was received from the local media of various places, where the IEDs have been planted all across the State. On the basis of the said list and on being searched, the suspected IEDs were found inside an old ambulance in a road leading to Nalbari Old Medical College. During search of the said ambulance, a suspected black plastic was recovered from the drawer of the ambulance, which was parked in the campus of Radiology Centre of Civil Hospital, Nalbari. The said plastic bag was taken out from the ambulance and was sent to an open space near Pagladia river bank, where the SB Bomb Disposal Squad diffused and disposed of the suspected IEDs and altogether one detonator, one circuit, 8 (eight) No. of batteries and some suspected powdery substances were recovered inside a tiffin box.

4) Accordingly, the said FIR of the informant/complainant was registered as Nalbari Police Station Case No. 285/2024 under Sections 61/62/147/148/152/196/ 197/326(f)/353 BNS, 2023 read with Sections 16/18/20/23/38/39 of the Unlawful Activities (Prevention) Act, 1967 read with Sections 4/5/6/9-B of the Indian Explosives Act, 1884, corresponding to G.R. No. 766/2024.

- 5) On being enquired as to whether charge-sheet has been filed in the said case or not, Mr. K K Parashar, learned Additional Public Prosecutor, Assam, on instruction, submitted that today, i.e., 20.12.2024, the Investigating Officer of the case has filed an application for extension of custody of the petitioner. However, no order has yet been passed in the said application.
- 6) Perused the case diary placed before the Court today by Mr. K K Parashar, learned Additional Public Prosecutor, Assam.
- 7) Considering the materials in the case diary and his period of detention in custody since 22.09.2024, the Court is of the view that further custodial detention of the petitioner in said Nalbari P.S. Case No. 285/2024 is not warranted for investigation of the said case. As such, this bail application of the petitioner in said Nalbari P.S. Case No. 285/2024 is accepted.
- 8) Accordingly, the petitioner, namely, **Sri Jone Barman @ Bhakat**, Son of Late Prafulla Barman be released on bail in said Nalbari P.S. Case No. 285/2024 on furnishing a bail bond of Rs. 1,00,000/- with 2(two) local sureties, each of the like amount, one of which shall be a Government employee, either Central Government or State Government, to the satisfaction of the learned Special Judge, Nalbari, subject to the conditions that the petitioner, named above —
- i) shall appear before the concerned Investigating Officer of said Nalbari P.S. Case No. 285/2024 on every Thursday, for the next three English calendar months commencing from 26.12.2024 or till filing of the charge-sheet in the case, whichever is earlier and thereafter, as and when he is required in the said Nalbari P.S. Case No. 285/2024;
 - ii) shall not leave the territorial jurisdiction of said Nalbari Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case;
 - iii) shall not hamper with the investigation, or tamper with the evidence of the case;
 - iv) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them from disclosing such facts to the Court or to any police officer and;
 - v) shall not involve himself in any criminal activities in the future.
- 9) Any violation of the aforesaid terms and conditions by the petitioner, namely, **Sri Jone Barman @ Bhakat**, Son of Late Prafulla Barman the bail granted to him in said Nalbari P.S. Case No. 285/2024 shall stand automatically vacated.

10) This bail application accordingly stands allowed.

11) Return the Case Diary herewith.

JUDGE

Comparing Assistant