

GAHC010056752024



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

**Case No. : I.A.(CrI.)/266/2024**

IRFAN KHAN  
S/O- BASIR KHAN, R/O- VILL.- SANCHALI, P.S. SOHNA, DIST. GURGAON,  
HARYANA.

VERSUS

THE STATE OF ASSAM,  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR. M A CHOUDHURY**

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

In

Bail Appln./3774/2023

MOHAMMAD RIJVAN AND ANR  
S/O- BASIR KHAN  
R/O- VILL.- SANCHALI  
P.S. SOHNA  
DIST. GURGAON  
HARYANA.

2: IRFAN KHAN  
S/O- BASIR KHAN

R/O- VILL.- SANCHALI  
P.S. SOHNA  
DIST. GURGAON  
HARYANA.  
VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR  
ASSAM

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Advocate for : MR. M A CHOUDHURY  
Advocate for : PP  
ASSAM appearing for THE STATE OF ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**21.03.2024**

Heard Mr. A. Ahmed, learned counsel for the applicant. Also heard Ms. N. Das, learned Additional Public Prosecutor, Assam.

This interlocutory application has been filed by the applicant, namely, Irfan Khan, in connection with Bail Application Case No. 3774/2023.

Learned counsel for the applicant has prayed for modification of the conditions of bail which was imposed, while granting bail to the present applicant, by order dated 18.01.2024, passed in Bail Application Case No. 3774/2023.

It is submitted by the learned counsel for the applicant that though this court was pleased to direct the applicant to go on bail, along with the other co-accused on furnishing a bond of Rs. 1 lakhs each with two sureties of like amount and one of whom should be the government servant residing in the

State of Assam, however, the co-accused, namely, Mohammed Rizwan, who had submitted the bail bond had also furnished one government surety was allowed to be released on bail by the trial court, however, the trial court is insisting on a separate government servant for the present applicant and therefore, it is prayed that the condition of bail may be modified.

On perusal of the order dated 18.01.2024, passed in Bail Appln. Case No. 3774/2023, it appears that by the said order the present applicant was allowed to go on bail along with another co-accused on furnishing a bail bond of Rs. 1 lakhs each with two sureties of like amount and it was stipulated that one of the sureties should be government residing in the State of Assam, there is no mention in the said order that both the accused persons, who were granted bail shall have to procure separate government servant as their bailor.

It appears that the trial court is not correct in insisting two separate government servant for each of the accused persons, who were granted bail when no such mention is there in the bail order.

In view of the above clarification, this court is of the considered opinion that no modification is required in Bail Application Case No. 3774/2023, passed on 18.01.2024.

With the above observations, this interlocutory application is hereby disposed of.

**JUDGE**

**Comparing Assistant**