

GAHC010260632024



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

Case No. : Bail Appln./3739/2024

BISWAJIT DEY @ PUSKA
S/O ANIL CHANDRA DEY
R/O NO. 2 FERRY GHAT COLONY,
PANDU, P.S. JALUKBARI
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M BISWAS, S K DAS, J SINGPHO

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

06.12.2024

Heard Mr. M. Biswas, the learned counsel appearing for the petitioner. Also

heard Mr. R.R. Kaushik, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for granting bail to the petitioner namely, Biswajit Dey @ Puska who has been in custody since 29.11.2024 in respect of Jalukbari P.S. Case No.592/2024 under Section 117(3) of the BNS, 2023.

3. On 27.11.2024, the informant Shibu Biswas had lodged an FIR before the police alleging that on the previous day at about 11 P.M., while he and his wife were talking by the side of the road, the present petitioner appeared there. It is stated in the FIR that the present petitioner presumed that they were talking about him and on that issue they had quarrel. The informant has alleged that the present petitioner had hit his eyes with his finger ring. As a result, the informant sustained serious injuries on his eyes.

4. Mr. Biswas has pointed out that the informant was a habitual drunker and he used to create nuisance in the entire locality. Therefore, some people of the locality have lodged an FIR on the same day alleging misconduct of the informant.

5. Mr. Biswas further submits that the informant if he was seriously injured, he could not have come to the police station on the next day to lodge the FIR.

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

7. This Court is of the opinion that the present petitioner no longer deserves to be detained in custody for the allegation brought against him. His bail application is allowed.

8. The petitioner namely, Biswajit Dey @ Puska who has been in custody since 29.11.2024 in respect of Jalukbari P.S. Case No.592/2024 under Section 117(3) of the BNS, 2023, shall be allowed to go on bail of ₹20,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, Assam.

With the above direction, the bail application is disposed of.

JUDGE

Comparing Assistant