

GAHC010260752023



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

**Case No. : Bail Appln./4221/2023**

SHAH ALOM  
SON OF TAYAB ALI, VILLAGE- TOKRABANDHA, P.S. CHAPAR, DIST.  
DHUBRI, ASSAM, PIN- 783348

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY P.P., ASSAM

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

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

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 05.01.2024**

Heard Mr. A.M. Ahmed, learned counsel for the accused and Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent.

2. This petition, under Section 439 Cr.P.C. is preferred by the accused, namely, Shah Alom, who has been languishing in jail hazot in connection with Chapar P.S. Case No. 225/2023, under Sections 419/304 of the IPC.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Phanindra Barman on 29.10.2023. The essence of allegation made in the FIR dated 29.10.2023 is that the nephew of the informant, namely, Nirananda Barman was suffering from fever and therefore the sister-in-law of the informant had taken him to the accused Shah Alom, who is a fake doctor, and prescribed some medicines to his nephew, but the same gave no positive result for which he was again taken to the accused. Thereafter, the accused administered saline and injection to the nephew of the informant and when the nephew was returning back home, on the way, he became unconscious and seriously ill, and therefore, he was taken to the Government hospital where doctors declared him brought dead.

4. Mr. Ahmed, the learned counsel for the accused submits that the accused was arrested on 30.10.2023 and since then, he has been languishing in jail hazot for last 67 days and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. R.J. Baruah, learned Addl. Public Prosecutor submits that investigation of the case has progressed sufficiently and the P.M. report has also been collected, though the final opinion is pending for collection of viscera report, and considering the seriousness of the offence, Mr. Baruah has opposed the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. R.J. Baruah, learned Addl. Public Prosecutor.

7. It appears that the accused has been languishing in jail hazot since 30.10.2023, and further, the case diary indicates that the I.O. has made

substantial progress in the investigation and that the case is pending for collection of the FSL report of the viscera of the deceased person.

8. Having regards to the material collected so far in the case diary, as well as the progress of investigation and also considering the period of detention, this Court is inclined to allow the petition. It is provided that on furnishing a bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned SDJM, Bilasipara, the accused be enlarged on bail.

9. In terms of above, this petition stands disposed of.

10. Case diary be returned.

**JUDGE**

**Comparing Assistant**