

GAHC010285732023



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

Case No. : AB/4254/2023

NAMIT KUMAR AND 2 ORS
S/O OM PRAKASH SINGH
R/O BISARPUR,
P.O. AND P.S. HARINUMAR
DIST. MUNGAL, BIHAR
PRESENTLY RESIDING AT BALUGHAT
DEURA BUILDING, P.S. BASISTHA
DIST. KAMRUP (METRO), ASSAM

2: DIPAK KUMAR
S/O SANJAY MAHTO
R/O GARUA 1
WARD NO. 09
P.O. AND P.S. GAURA
DIST. BEGUSARAI
BIHAR
PIN-851113
PRESENTLY RESIDING AT BALUGHAT
DEURA BUILDING
P.S. BASISTHA
DIST. KAMRUP
METRO
ASSAM

3: CHANDAN KUMAR
S/O RAJENDRA MAHTO
R/O WARD NO. 1
GAJIPUR
BARAUNI -01
BARAUNI
P.O. AND P.S. TAGHARA
DIST. BEGUSARAI
BIHAR
PIN-851113

PRESENTLY RESIDING AT BALUGHAT
DEURA BUILDING
P.S. BASISTHA
DIST. KAMRUP (METRO)
ASSMA
MOBILE NO. 700277814

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

30.01.2024

Heard Mr. A.K. Ahmed, learned counsel for the applicants and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Basistha P.S. Case No.706/2023, under Section 353/332/427/34 IPC, this application under Section 438 Cr.P.C. has been preferred by three applicants, namely, Namit Kumar, Dipak Kumar and Chandan Kumar, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Saddam Ali on 14.11.2023. The essence of allegation made in the aforesaid FIR is that on 13.11.2023 he took one Amrit Kumar and Mukesh Singh, who were picking up quarrel and sustained injuries, to the Hospital for medical checkup and then Amrit Kumar tried to escape and while he was trying to recapture him, then the

accused persons assaulted him and tore his uniform and damaged his mobile phone.

4. Mr. Ahmed, learned counsel for the applicants submits that this Court vide order dated 22.12.2023, has extended the privilege of interim pre-arrest bail to the applicants and pursuant to the said order, the applicants have appeared before the I.O. and they have been cooperating with the investigating agency and therefore, it is contended that the interim order dated 22.12.2023, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the applicants had appeared before the I.O. and that the I.O. has achieved substantial progress in the investigation of this case.

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. Sarma, learned Additional P.P.

7. It appears that in view of the order dated 22.12.2023, the applicants have appeared before the I.O. and they have been extending cooperation with the investigating agency. Further, it appears that the I.O. has achieved substantial progress in the investigation of this case and in that view of the matter, custodial interrogation of the applicants seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 22.12.2023, absolute, in the same terms and conditions. Case diary be returned.

8. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant