

GAHC010291462023



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

Case No. : Bail Appln./4668/2023

JHARNA SINHA AND ANR
W/O AJIT SINHA
R/O BYE LANE NO. 15, UDAY NAGAR,
KONADHARA, KHANAPARA,
P.S. BASISTHA,
P.O. BASISTHA,
DIST. KAMRUP (M), ASSAM, PIN-781022

2: NEHA SINHA
D/O AJIT SINHA
R/O BYE LANE NO. 15
UDAY NAGAR
KONADHARA
KHANAPARA
P.S. BASISTHA
P.O. BASISTHA

DIST. KAMRUP (METRO)
ASSAM
PIN-78102

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S CHOWDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 05-01-2024

Heard Mr. S. Chowdhury, learned counsel for the petitioners Jharna Sinha and Neha Sinha.

The petitioners have filed an application under Section 439 of the *Code of Criminal Procedure* with prayer for bail in connection with *Basistha Police Station Case No.621/2023 under Sections 120(b)/302 of the Indian Penal Code read with Section 25(1)(a) & 27(1)(a) of the Arms Act,1959* as they are behind bars since 16.10.2023. It is also submitted that due to an urgent situation, the petitioner No. 2 has prayed for a conditional bail as her father expired while he was undergoing treatment during his custody in connection with the same case.

Seen the letter of Superintendent of Central Jail, Guwahti to the Officer-In-Charge of Basistha Police Station that the UTP Ajit Sinha who was 57 (fifty seven) years old, was in custody in connection with the abovementioned case, had expired while he was undergoing treatment at ICU Ward GMCH, Guwahati on 04.01.2024.

The petitioner No. 2 Neha Sinha has prayed to perform the last rites of her father.

Heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the respondent State of Assam.

The learned Additional Public Prosecutor has submitted that charge sheet has been laid against the petitioner being CS No. 01/2024 dated 03.01.2024.

I have considered the submissions at the bar.

The letter addressed to the Officer-In-Charge of Basistha Police Station from the Superintendent of Central Jail will form a part of this record.

The petitioner No. 2 Ms. Neha Sinha is granted interim bail of *Rs.50,000/- (Rupees Fifty Thousand)* with a suitable surety of like amount for only one month to perform the last rites of her father and thereafter, the petitioner No. 2 will surrender before the trial Court on 05.02.2024. The petitioner No.1 is at liberty to approach the trial Court for bail which may be considered by the Court as per law.

Matter is closed.

JUDGE

Comparing Assistant