GAHC010096172026

2026:GAU-AS:11571

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

Case No. : I.A.(Crl.)/522/2026

SRI AKASH MUNDA ALIAS BAISHYA
S/O LATE PABITRA BAISHYA, R/O BETONIJHAR, P.S. TEZPUR,DISTT. SONITPUR, ASSAM 784104

VERSUS

THE STATE OF ASSAM
THROUGH THE PUBLIC PROSECUTOR

2:SMTI BABITA SINGH (INFORMANT)
AGED ABOUT 42 YEARSW/O SRI BALBIR SINGHR/O GOROIMARI
BETONIJHAR
P.S.TEZPUR
DISTT. SONITPUR
ASSAM-78410

Advocate for the Petitioner : MR. R P HAZARIKA, AMIR HUSSAIN,ARUNABH SARMA

Advocate for the Respondent : PP, ASSAM,

Linked Case : Crl.A./47/2026

AKASH MUNDA @ BAISHYA AND 3 ORS.
S/O LATE PABITRA BAISHYA
R/O BETONIJHAR
P.S.- TEZPUR
DIST- SONITPUR
ASSAM-784104

2: JATIN MUNDA
S/O LAKHAN MUNDA
R/O BETONIJHAR
P.S.- TEZPUR
DIST- SONITPUR
ASSAM-784104

3: MAHESH MUNDA
S/O LAKHAN MUNDA
R/O BETONIJHAR
P.S.- TEZPUR
DIST- SONITPUR
ASSAM-784104

4: BIKI MUNDA
S/O BIJOY MUNDA
R/O BETONIJHAR
P.S.- TEZPUR
DIST- SONITPUR
ASSAM-784104
VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

2:SMTI. BABITA SINGH (INFORMANT)
W/O SRI BALBIR SINGH
R/O GOROIMARI
BETONIJHAR
P.S.- TEZPUR
DISTT.- SONITPUR
ASSAM- 784104

Advocate for : MR. R P HAZARIKA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 14.08.2026

Heard Mr. R.P. Hazarika, learned counsel appearing for the accused-applicant. Also heard Mr. P. S. Lahkar, learned Addl. P.P., representing the State.

2. The instant application under Section 430(2) of BNSS, 2023, has been filed for suspension of conviction, sentence and release of the applicant.

3. The accused-applicant has filed the connected Criminal Appeal No. 47/2026, challenging the judgment and sentence dated 19.12.2025 passed by the learned District and Sessions Judge, Sonitpur in Sessions Case No. 120/2018, registered under Sections 326/34/307 of the Indian Penal Code,1860, whereby the accused-applicant along with seven others have been convicted under the aforementioned sections and they have been sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs. 20,000/- each, with default stipulations. For conviction under Section 326/34 IPC, the accused-applicant has been sentenced to undergo rigorous imprisonment for 5 years and to pay a fine of Rs. 10,000/- each with default stipulations. The sentences are ordered to run concurrently.

4. The learned counsel appearing for the accused-applicant submits that six of the co-accused persons have already been granted bail by a coordinate bench of this court, vide order dated 01.04.2026 for the same offenses under which they have been convicted. However, the prayer of bail of the accused-applicant had been rejected by the same order. He submits that the accused-applicant is already behind the bars for almost 8 months and since the appeal has been filed and it will be heard, the accused-applicant should be also granted bail.

5. Taking into account the submissions and the materials available before this court, this court is of the considered opinion that the conviction and sentence upon the applicant, namely, *Shri Akash Munda alias Baishya,* passed by the learned Sessions Judge, Sonitpur in Sessions Case No. 120/2018 shall be suspended till disposal of the connected appeal.

6. In view of the aforesaid direction, the accused-applicant shall be released from jail immediately on furnishing of a bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with a surety of like nature to the satisfaction of the learned Sessions Judge, Sonitpur.

7. With the aforesaid directions, the instant I.A. is disposed of.

JUDGE

Comparing Assistant