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2026:GAU-AS:12444

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

**Case No. : Bail Appln./2351/2026**

BIJU ROY
S/O- PRADIP ROY, R/O- VILL- RUPSHI PART I, P.S- KAZIGAON,
KOKRAJHAR. PIN-783339.

VERSUS

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

**Advocate for the Petitioner** : MR P K DAS, N J DAIMARI,MR. M BARUAH

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

**BEFORE**
**HONOURABLE MRS. JUSTICE SHAMIMA JAHAN**

**ORDER**

**Date : 28.08.2026**

Heard Mr. P. K. Das, the learned counsel for the petitioner and Mr. R. J. Baruah, the learned Addl. Public Prosecutor for the State of Assam.

2. By this application the petitioner has prayed for bail in connection with Kazigaon P.S. Case No. 27/2026, registered under 103/117(2)/3(5) of BNS,

2023.

3. The FIR in connection with which the petitioner was arrested, was lodged on 12.07.2026, by the brother of the deceased by stating *inter alia* that on 10.07.2026, at around 7:00 PM, when his brother went to the house of one, Shyamal Roy for having the dinner, the petitioner along with another reached the house of Shyamal Roy and assaulted the bother of informant and caused grievous injuries. It is further stated that Shyamal Roy took his bother to his house later that night of assault and that, on the next day, i.e., on 11.07.2026, at around 9:00 AM, accused No. 1, namely, Biswajit Roy took the injured victim to the local hospital and then thereafter, the petitioner along with the other accused persons as well as the relative of the victim took the victim to the Dhubri Medical College and Hospital for better treatment. It is also stated that while undergoing treatment on 11.07.2026, the victim met his death.

4. Mr. P. K. Das, the learned counsel for the petitioner submits that it was the petitioner who had taken the victim for better treatment to the Dhubri Medical College and Hospital, Dhubri, along with the other accused persons as well as the relatives of the victim.

5. On the other hand Mr. R. J. Baruah, the learned Addl. Public Prosecutor for the State, by relying upon the Case Diary had stated that, although, there were no eye witness to the occurrence but by relying on the post mortem report, he submits that the death of the deceased was due to coma, resulting from the injuries sustained over the head. The learned Addl. Public Prosecutor for the State, further submits that the contents of the stomach was sent to the FSL for examination and the said report was yet to be received by the police personal.

6. Upon consideration of the submissions made by the learned counsels, moreso, in view of the fact that, the petitioner was inside the jail for 47 days and his statements and all were also recorded and most of the investigations seems to be over with the only remaining task of receiving the FSL report, this court finds it fit that the petitioner be released on bail on furnishing of a bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with one local surety of the like amount to the satisfaction of CJM, Kokrajhar under the following conditions:

(i) the petitioner shall appear before the Investigating Officer as and when called for.

(ii) the petitioner shall not hamper and tamper with the evidence of the case, and/or influence the witness connected with the case; and

(iii) the petitioner shall not leave their residence without prior permission of the Investigating Officer.

7. The Bail Application stands disposed of.

**JUDGE**

**Comparing Assistant**