GAHC010121472020

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

Case No. : Bail Appln. 1792/2020

1:KIRAN BANIA @ MITRA
S/O. LT. NAHAR BANIA, R/O. DA- PARBATIA (DEURI CHUBURI), P.O. AND P.S. TEZPUR, DIST. SONITPUR, PIN-784001, ASSAM.

VERSUS

1:THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

09.10.2020

By this application under Section 439 CrPC, petitioner, namely, Kiran Bania @ Mitra, who is behind the bar since 04.09.2020, has prayed for granting him regular bail, in connection with Chandmari PS Case No. 655/2020, under Sections 120 (B)/341/326/307/34 IPC, read with Sections 25/27 (1) of the Arms Act.

Heard Mr S C Biswas and Mr D S Ahmed, learned counsel for the petitioner and Mr N K Kalita, learned Additional Public Prosecutor appearing for and on behalf of the State of Assam.

Case Diary along with the medical report has been produced, which have been perused.

It reveals from the entirety of the matter that on the day of occurrence, all the persons named in the FIR were intoxicated while celebrating a birthday party in the house of one Damodar Deka. While taking photograph (selfie), all persons assembled and entered into a hot altercation and at the spur of the moment, the petitioner, herein inflicted bullet injury upon the inmates of the house/informant,

herein, as he tried to interfere into the matter. The victim sustained bullet injury below his knee in the incident and there was no risk to his life. It appears that the entire incident happened due to the fact that the persons in the party were under intoxication and otherwise, the present petitioner had no intention to kill the informant/victim.

Considering all entirety of the matter and the length of detention of the accused petitioner since 04.09.2020, this Court is of the opinion that further detention of the accused petitioner can be dispensed with. Accordingly, he is hereby allowed to go on bail of Rs. 20,000.00, with one surety of the like amount, to the satisfaction of learned CJM, Kamrup (Metro).

Bail Application stands disposed of.

Return the Case Diary.

JUDGE

Comparing Assistant