GAHC010182512026

2026:GAU-AS:15058

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

Case No. : Bail Appln./2503/2026

SRI NISHAN HAZARIKA
S/O SRI PRADIP HAZARIKA, R/O VILLAGE- GHILAMARA, P.O. AND P.S. GHILAMARA DISTRICT-LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR B BURAGOHAIN, MR. P K GOGOI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SHAMIMA JAHAN
ORDER

07.10.2026

Heard Mr P K Gogoi, learned counsel for the petitioner. Also heard Mr D P Goswami, learned Additional Public Prosecutor for the State of Assam.

2. By this application, the petitioner has prayed for bail in connection with Ghilamara PS Case No. 36/2026, under Section 103(1) of the BNS, 2023.

3. The First Information Report in connection with which the petitioner was arrested on 28.07.2026, was lodged by the father of the deceased, stating *inter alia* that while his son

was coming with his friend on a motorcycle, an accident occurred and thereafter, when his son along with his friend was standing near a shop, the petitioner assaulted both of them causing injuries. He further stated that when his son was taken to the hospital, he was treated there, but he was referred to medical college and that his son succumbed to his injuries on 27.07.2026, at about 06:00 pm.

4. The learned counsel for the petitioner submits that the petitioner has been inside the jail for the last 73 days and he further submits that the deceased along with his friend met with an accident and he fell on the road and he died thereafter. He submits that the death of the victim was not due to any assault, much less on being hit by the petitioner.

5. On the other hand, Mr D P Goswami, the learned Additional Public Prosecutor for the State, on perusal of the Case Diary, submits that the victim died out of his head injuries as may be seen from the Post-Mortem Report and he further submits that the petitioner had himself admitted that he had punched the victim and that there are other witnesses, who had also stated the same.

6. Upon consideration of the submissions made by the learned counsels, more so, in view of the statement made by the companion of the deceased, who stated that the petitioner had punched both of them and the victim fell on the road and when he was not getting up he was taken to the hospital, where he was declared dead, which shows that the deceased died not due to the punch made by the petitioner, but he died after falling on the ground and after getting 2 (two) days of treatment, and also due to the fact that the petitioner has been inside the jail for quiet some time, this Court deems it fit to release the petitioner on bail on furnishing bail bond of Rs. 20,000/-, with one local surety each to the satisfaction of the learned CJM, Lakhimpur, under the following conditions:-

i) the petitioner shall appear before the concerned IO and Court, as and when called for; without fail

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

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

7. Bail Application stands disposed of.

8. Send back the Case Diary.

JUDGE

Comparing Assistant