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

Case No. : Bail Appln./2626/2026

SUBHANKAR KAR
S/O SANAT KAR, R/O VILL DIPA, NEAR MAJU RAILWAY STATION, PS JAGATBALLAVPUR, DIST HOWRAH, WEST BENGAL, PIN 711408

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : R AMIN, S K RAHMATULLAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : 06-10-2026

Heard Mr. R. Amin, learned counsel for the petitioner. Also heard Mr. KK Das, learned Additional Public Prosecutor, appearing for the State respondent.

2. The present petition is filed under Section 483 of the BNSS, 2023 for grant of bail to the petitioner, namely, Subhankar Kar, in connection with Barpeta Road P.S. Case No. 17/2026 under Sections 61(2)(a)127(2)/310(2)/312/329(3) of the BNS, 2023 read with Section 25(1)(a) of the Arms Act. The petitioner was

arrested on 12.07.2026.

3. The learned counsel for the petitioner has submitted that the petitioner has already spent 84 days in custody. He submits that the petitioner worked in a sweet shop and some of his co-employees have been found to be involved in an incident of dacoity, and he has been arrested on mere suspicion.

4. The Forwarding Report of the petitioner reveals that the other accused in the criminal conspiracy had indicated that the petitioner was associated with the conspiracy. He submits that the statements of other accused cannot be used against the petitioner and there is no material to show his involvement with the incident under investigation. He accordingly prays that the petitioner may be granted the privilege of bail as he has spent a considerable period of time.

5. The learned Additional Public Prosecutor has submitted that the matter is still under investigation and since it is a case where persons from various States are involved in the commission of the dacoity, the release of the petitioner on bail may hamper or tamper with the investigation process. He has submitted that on 20.08.2026, this Court had rejected the bail petition of the petitioner after having considered the contents of the case diary. He accordingly prays for rejection of the petition.

6. I have considered the submissions and also gone through the contents of the updated case diary, which has been made available by the learned Additional Public Prosecutor.

7. After perusal of the case diary, I am of the considered opinion that despite 84 days in custody, the case diary, at present, does not indicate any specific role of the petitioner and, having already passed 84 days in custody, the further custody of the petitioner may not be required in the investigation, in the event the petitioner is kept bound to appear before the Investigating Authority, as and when called to participate in the investigation process.

8. Accordingly, the petitioner shall be released on bail on furnishing a bond of Rs. 30,000/- with two sureties of the like amount, one of them shall be a permanent resident of the area of jurisdiction of the learned Chief Judicial Magistrate, Barpeta, subject to the satisfaction of the learned Chief Judicial Magistrate, Barpeta; the bail shall further be subject to the following conditions;

(i) The petitioner shall not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Barpeta or Investigating Authority, without prior written permission, and

(ii) The petitioner shall furnish the present address where he shall be available during the investigation period.

9. The bail application stands disposed of.

JUDGE

Comparing Assistant