GAHC010202372026

2026:GAU-AS:15358

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

Case No. : Bail Appln./2821/2026

MUKESH KUMAR AND 2 ORS.
S/O SAHDEO YADAV, R/O VILL- BENDGI, P.O.- RASOIYADHAMNA, P.S.- BARHI, DIST- HAZARIBAGH, JHARKHAND, PIN- 825405

2: SUNIL KUMAR PASWAN
S/O RAMCHANDRA PASWAN
R/O VILL- BENDGI
P.O.- RASOIYADHAMNA
P.S.- BARHI
DIST- HAZARIBAGH
JHARKHAND
PIN- 825405

3: PRADHU KUMAR
S/O CHETIAL SAW
R/O VILL- BENDGI
P.O.- RASOIYADHAMNA
P.S.- BARHI
DIST- HAZARIBAGH
JHARKHAND
PIN- 82540

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. K K HANDIQUE, B RAJBONGSHI,MS M BORA,MR. M KALITA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 12-10-2026

1. Heard Mr. K.K. Handique, the learned counsel appearing for the accused-applicants. Also heard Mr. K.K. Parasar, learned Addl. P.P, Assam appearing for the State.

2. This is an application filed under Section 483 of the BNSS, 2023, praying for granting bail to the accused-applicants, namely **1) Mukesh Kumar 2) Sunil Kumar Paswan** and **3) Pradhu Kumar** in connection with **PRC No.308/2026** pending before the Court of learned C.J.M., Nalbari, arising out of **Ghograpar P.S. Case No.44/2026** registered under Sections **61(2)(a)/126(2)/117(2)/ 109(1)/309(6)/62** of BNS, 2023.

3. An FIR was lodged on 13.05.2026 by one Nitesh Sharma, before the Officer-in-Charge, Ghograpar Police Station, alleging, *inter alia,* that while he was going towards Ghograpar by driving his car, another car followed him and by blocking his way, compelled him to stop his car on national highway. It is alleged that the moment he stopped the car, the unknown persons coming out of the car knocked on his door window and asked him about the route to Guwahati and when he confronted the said persons about the way they had stopped his vehicle, the unknown persons came inside his vehicle and assaulted him. It is alleged that he somehow managed to get out of the car and shouted for help. Few people were moving by a bike and they stopped at the place of occurrence and on seeing the people with the bike, the accused persons ran

away from the place of occurrence.

4. On receipt of the FIR, police registered Ghograpar P.S. Case No.44/2026 under the aforementioned Sections.

5. The learned counsel appearing for the accused-applicants submits that the accused-applicants have been behind bars for last 149 days and two co-accused persons in the instant case have already been granted bail by coordinate Benches of this Court. In view of the aforesaid and taking into account the length of detention, he submits that the accused-applicants should also be granted bail, as they are willing to cooperate in the trial.

6. Scanned copy of TCR in the instant case is received and the same has been perused.

7. The learned Addl. P.P., on the other hand, opposes the prayer for bail of the accused-applicants in the instant case, submitting that the three accused persons are from outside the state of Assam and there is risk of their not participating in the trial.

8. This Court has gone through the materials available in the TCR and has also taken into account the length of detention of the accused-applicants for last 149 days. This Court has also taken note of the fact that two co-accused persons have already been granted bail by coordinate Benches of this Court. Taking into account the entire facts of the case, this Court is of the considered opinion that the accused-applicants should be granted bail at this stage.

9. Accordingly, it is directed that the accused-applicants, named above, shall be released forthwith from jail on furnishing of a bail bond of Rs.30,000/- (Rupees Thirty Thousand only) each with two sureties of like nature, out of which, one should be a local surety, to the satisfaction of the learned C.J.M., Nalbari, subject to the following conditions:-

i) That the accused-applicants shall continue to appear before the learned Trial Court as and when required;

ii) That the accused-applicants shall not hamper or tamper with the evidence of the case in whatsoever manner; and

iii) That the accused-applicants shall provide their personal details like PAN Card, ADHAAR Card, Driving Licence, Passport, if any, before the Court of learned C.J.M., Nalbari.

10. In the event of any default of the bail conditions mentioned hereinabove, the learned C.J.M., Nalbari shall be at liberty to take appropriate action against the accused-applicants.

11. In terms of the aforesaid directions, the instant bail application is disposed of.

JUDGE

Comparing Assistant