GAHC010221692026

2026:GAU-AS:15966

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

Case No. : Bail Appln./3196/2026

NAJIRUL ISLAM
S/O KHAJALUDDIN
R/O VILL BHELOWGURI PO DOLOI GAON PS BHELOWGURI DIST
MORIGAON ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. Z HAMMAD, R DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

02.11.2026

Heard Mr. Z. Hammad, learned counsel for the accused and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 483 of the BNSS, is preferred by accused, namely, Najirul Islam, who has been languishing in jail hazot, since 26.04.2026, in connection with Nagaon PS Case No. 292/2026, under Section 310(2)/311/109(2) of the BNS, for granting bail.

3. Notably the aforementioned case has been registered on the basis of one FIR lodged by Dr. Ranjit Saikia, on 24.04.2026.

3.1. The essence of allegation made in the FIR is that on 24.04.2026, at about 01:30 am, six to seven unknown masked persons had forcibly entered into the house of the informant, situated at Seuj Path, Morikolong and assaulted him and his wife with rod, knife, etc. and thereafter, looted valuable gold ornaments and cash amount of Rs. 1.5 lakhs. In the said incident he and his wife sustained grievous injuries.

4. Mr. Hammad, learned counsel for the accused, submits that the present accused was arrested on 26.04.2026 and since then he has been languishing in jail hazot for last 163 days. Mr. Hammad also submits that the present accused person is innocent and no way involved with the offence alleged in the FIR and that he was working in a grocery shop at Nagaon and he hails from Morigaon district and he was arrested on the suspicion that one of his relative was arrested in his case and that he has two minor children to look after. Mr. Hammad further submits that the trial of the case is yet to be started and he will appear before the learned trial court on each and every date and therefore, it is contended to allow this petition.

5. Per-contra, Mr. Borua, learned Additional Public Prosecutor for the State, has vehemently opposed the petition. He submits that during the course of investigation, the IO has collected sufficient incriminating materials and that the offences are serious in nature and that one of the victim succumbed to the injuries, during the course of the treatment. Mr. Borua also submits that the charge is yet to be framed and if the accused is enlarged on bail at this stage, it will cause delay in disposal of the case and therefore, it is contended to dismiss this petition.

6. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the petition as well as the documents placed on record and also perused the scanned copy of the record received from the learned trial court.

7. It is a fact that the accused has been languishing in jail hazot for last 163 days and trial is yet to be started. But, offences are serious in nature and one of the victim succumbed to the injuries during the course of the treatment. Further, the IO had completed investigation and submitted charge-sheet, under Sections 61(2)/ 310(2)/ 310(3)/ 311/ 109(2)/ 238(a)/ 3(5) of the BNS, against the accused.

8. Under the given facts and circumstances and also balancing the personal liberty of the accused against the interests of the society and the administration of justice, this Court is of the view that this is not a fit case where the privilege of bail can be extended to the accused and accordingly, this bail application stands dismissed.

9. However, the learned trial court is requested to expedite the trial and complete the same as soon as practicable.

JUDGE

Comparing Assistant