GAHC010222262026

2026:GAU-AS:16205

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

Case No. : Bail Appln./3206/2026

SRI SANJIT BORO ALIAS GAJAK BORO
S/O LATE ANIL BORO, R/O H NO 28, SHIV NAGAR PATH, GHORAMARA, P/S BASISTHA, DIST KAMRUP (M), ASSAM 781028

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR

Advocate for the Petitioner : MR. FIRUZ KHAN, MR T K DAS,MR. ABHIJIT MENA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

04.11.2026

Heard Mr. Firuz Khan, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Addl. Public Prosecutor for the State.

2. This is an application under Section 483 of BNSS, 2023 for granting bail to

the petitioner who was arrested and forwarded before the Hon'ble Chief Judicial Magistrate, Kamrup(M), Guwahati on 25.05.2026, in Sessions Case No. 250/2026 arising out of PRC No. 2730/2026 in connection with Basistha P.S. Case No. 161/2026 under Section 127(1)/117(2)/103(1) of BNS, 2023.

3. The facts of the case, in brief, are that on 19.05.2026, an FIR was lodged by one Banhiman Deka at the Basistha PS stating therein that on 15.05.2026, while his father was proceeding towards home at about 10:00 A.M., one Gajak Boro (owner of a shop) had allegedly assaulted him at Narbam in front of Kalia Kanai Cremation ground and as a result of the said assault, his father sustained grievous injuries and was admitted at Metro Hospital in a critical condition. Subsequently, the injured person succumbed to his injuries.

4. Based on that FIR, Basistha PS Case No. 161/2026 was registered u/s 127(1)/117(2)/103(1) of BNS, 2023. The accused was arrested on 25.05.2026 and since then he has been in custody.

5. An earlier bail application filed on behalf of the petitioner being Bail Application No. 1361 of 2026 was rejected by this Court by order dated 14.07.2026. Subsequently, another bail application being Bail Application No. 2285 of 2026 was disposed of by this Court by Order dated 24.08.2026, granting liberty to the petitioner to approach the learned Trial Court, since the charge-sheet has already been submitted. However, the learned Trial Court by

its Order dated 19.09.2026 was pleased to reject the bail petition of the present petitioner.

6. Learned counsel for the petitioner submits that as per the post-mortem report of the deceased, a large amount of alcohol which was very much in excess of the permissible limit of 30 grams provided under the Motor Vehicles Act was found in the blood sample of the victim and as per medical literature, under such a situation, the petitioner could have fallen to the ground and sustained injuries on his head, which had shown up in the post-mortem report. It is further submitted that none of the witnesses have directly implicated the petitioner as the person who assaulted the deceased, as there are no eyewitnesses to the occurrence.

7. Furthermore, it is submitted that considering the detention of the petitioner since 25.05.2026 and the fact that the investigation has been completed, the prayer for bail may be considered.

8. Per contra, learned Addl. Public Prosecutor submits that from the statement of the witnesses, it is evident that the petitioner himself claimed to have assaulted the deceased and moreover, the fact that the deceased was in a drunken condition did not provide a license to the petitioner to assault the deceased in such a manner as would lead to his death.

9. Learned counsel for the petitioner, however, submits that as per the

material available on record, the deceased was a cardiac patient and therefore, was already in a vulnerable position from the point of view of his health.

10. As per the post-mortem report, the injury was present on both sides of the skull and ribs were found fractured from 4th to 6th on the right side as well as on the left side, which is indicative of injuries sustained on account of assault.

11. Having regard to the above material, I do not find much force in the submission of learned counsel for the petitioner. Consequently, considering the heinous nature of the allegations and the material available on record, the prayer for bail stands rejected at this stage.

JUDGE

Comparing Assistant