GAHC010228062026

2026:GAU-AS:15485

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

Case No. : Bail Appln./3290/2026

SRI PRAFULLA DAS
SON OF SRI SUNJAN DAS RESIDENT OF GARAMUR NAGAR GAON PO-KAMBONG, MAJULI P.S-GARAMUR DISTRICT-MAJULI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. P J SAIKIA, B SHARMA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 13.10.2026

Heard Mr. P. J. Saika, the learned counsel for the petitioner and Mr. R. J. Baruah, the learned Addl. Public Prosecutor for the State of Assam.

2. By this application the petitioner has prayed for bail in Sessions Case No.

05 of 2026, in connection with Garamur P.S. Case No.-1/2026, pending before the learned Sessions Judge, Majulim registered under Sections 126(2), 118(2), 109(1) of the BNS, 2023.

3. The FIR in connection with which the petitioner was arrested on 29.01.2026, was lodged by the wife of the victim, stating *inter alia* that, when her husband was merrymaking with his friends on the eve of Bihu, there was an altercation with some neighbours and that juncture, the petitioner was alleged to have bitten her husband on his neck and thereafter, when her husband went to the house of the petitioner to ask why he had done so, the petitioner came out with an Axe and hit him on his head, due to which, the husband of the informant died.

4. The police upon completion of the investigation submitted Charge-sheet on 01.03.2026. Thereafter, the trial started and out of 19 witnesses arrayed as such in the Charge-sheet, 8 witnesses were already examined. The learned counsel for the petitioner submits that none of the witnesses who were examined by the Trial Court had seen the occurrence and can be considered as ocular witnesses. He submits that the petitioner has been inside the jail for the last 10 months and that he is required to defend the case and as such, he be released on bail.

5. Mr. R. J. Bauah, the learned APP for the State, on the other hand, by referring to the witnesses' statement, stated that, there are enough materials against the petitioner and as such, he submits that the case record be called and no bail should be granted to the petitioner.

6. Upon consideration of the submissions made by the learned counsels, more so in view of the fact that, the deceased himself went to the house of the

petitioner and charged him and also due to the fact that, petitioner has been inside the jail for the last 10 months and he is required to defend the case, this court enlarges the petitioner on bail, on furnishing of a bail bond of Rs. 20, 000/- (Rupees Twenty Thousand) with one local surety of the like amount to the satisfaction of the Session Judge Majuli under the following conditions:

(i) The petitioner shall positively appear before the Trial Court without fail as and when call for.

(ii) The petitioner will not approach and/or influence any of the witness connected with the case; and

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

7. The Bail Application stands disposed of.

JUDGE

Comparing Assistant