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

Case No. : Bail Appln./3330/2026

SRI SUNIL DAS AND ANR
SO LATE NITAI DAS, RO VILL RAJAMAIDAM NEW COLONY, PS JORHAT, DIST JORHAT, ASSAM

2: SRI BIKASH DAS
SO SRI SUNIL DAS
RO VILL RAJAMAIDAM NEW COLONY
PS JORHAT
DIST JORHAT
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR.

Advocate for the Petitioner : MR. A TALUKDAR, D A SERENG,H ALAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 20.11.2026

Heard Mr. H. Alam, learned counsel and Mr. D.A. Sereng, learned counsel for the petitioners. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

2. By way of this application filed under Section 483 of the BNSS, 2023, the petitioners namely, **Sri Sunil Das and Sri Bikash Das**, who were arrested on 25.05.2026, are seeking regular bail in connection with **Jorhat P.S. Case No. 160/2026** corresponding to Sessions Case No. 132/2026, under Sections 105/118(2)/351(2)/3(5) of the BNS, 2023.

3. The brief facts of the case are that on 24.05.2026, the informant, Smt. Seema Paul, lodged a written ejahar before the Officer-in-Charge, Jorhat Police Station, alleging, inter alia, that on 23.05.2026, at around 1:30 AM, the petitioner No. 1, along with his son, petitioner No. 2, and a few other persons, allegedly assaulted her husband with sharp weapons, inflicting grievous injuries upon him and causing substantial blood loss. It was further alleged that the matter was promptly reported to the police and the injured was thereafter taken to Jorhat Medical College and Hospital for treatment, where he subsequently succumbed to his injuries. On the basis of the said ejahar, a case was registered at Jorhat Police Station.

4. It is pertinent to mention that earlier the petitioners approached this Court by way of a bail application, Bail Appln./2097/2026, which by order dated 07.08.2026 was disposed of by giving liberty to the petitioners to approach the jurisdictional trial Court for regular bail, if so advised on the premise that during the pendency of the aforesaid application, a charge sheet had been submitted in the aforesaid case vide Charge-sheet No. 225/2026 dated 16.07.2026. Accordingly, the petitioners approached the jurisdictional trial Court seeking regular bail; however, the trial Court by order dated 28.08.2026, rejected the same.

5. Mr. H. Alam, learned counsel for the petitioners, submits that the investigation of the present case having already been completed, the charge-sheet having been submitted, and the trial having been commenced, the petitioners are entitled to be enlarged on bail. He further submits that there are no criminal antecedents available against the petitioners, and the petitioner No. 1 is aged 44 years, and the petitioner No. 2 is aged 19 years.

6. Opposing the bail prayer, Mr. B. Sarma, learned Additional Public Prosecutor, submits that there are eyewitnesses in the matter who have clearly implicated both the petitioners, and the trial is yet to commence.

7. I have heard the learned counsel appearing for both the parties and have perused the materials available on record including the scanned copy of the trial court records made available before this Court as called for earlier.

8. It appears that, upon completion of the investigation, the investigating agency laid the charge-sheet, whereafter the learned trial Court framed charges against the petitioners on 11.09.2026 under Sections 118(2)/105/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS), and proceeded with the trial. It further appears that 03.11.2026 was fixed for recording the evidence of the prosecution witnesses, on which date two prosecution witnesses, namely, Amrit Paul and Seema Paul, were present before the learned trial Court. However, their examination could not be undertaken owing to the withdrawal of the vakalatnama by the learned counsel appearing on behalf of the petitioners, as a result of which the said witnesses had to be discharged without being examined. The matter has, thereafter, been fixed on 30.11.2026 for recording the evidence of the prosecution witnesses.

9. This Court is conscious of the settled position that the petitioners ought not ordinarily to be made to suffer on account of any act or omission on the part of their learned counsel. However, having regard to the nature and gravity of the allegations, the materials available on record, the present stage of the trial and the fact that a substantial number of prosecution witnesses including the eyewitnesses are yet to be examined, this Court is of the considered view that the petitioners' prayer for bail does not merit consideration at this stage.

10. In view of the foregoing facts and circumstances, this Court is not inclined to enlarge the petitioners on bail at this stage. It is, however, made clear that the petitioners shall be at liberty to renew their prayer for bail upon substantial progress in the trial or in the event of any material change in circumstances.

11. Accordingly, the bail application stands rejected.

JUDGE

Comparing Assistant