GAHC010238052026

2026:GAU-AS:16091

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

Case No. : Bail Appln./3442/2026

SUBUR ALI AND ANR
SON OF LATE HUSSAIN ALI, RESIDENT OF TELI BASTI, WARD NO. 5, PS HOJAI, DISTRICT HOJAI, ASSAM

2: ASHISH DEBNATH
SON OF LATE RABINDRA DEBNATH
RESIDENT OF VTC
PUB DHANIRAM PATHER CT
LPO TELI BASTI
P.S. HOJAI
DISTRICT HOJAI
ASSAM PIN 78243

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. K BAISHYA, MS. RAKHITA ROY,MS S DAS,MS S BHATTACHARJYA,MR. DIPANJAN BHUYAN

Advocate for the Respondent : PP, ASSAM, G SARMA(INFORMANT),MR. U CHOUDHURY(INFORMANT),MRS N. AGARWAL CHANDAK(INFORMANT),MR. V K CHANDAK(INFORMANT),MR. B M CHOUDHURY(INFORMANT)

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 03.11.2026

Heard Mr. K. Baishya, learned counsel, appearing on behalf of the accused-applicants. Also heard Mr. K.K. Das, learned Addl. P.P., representing the State respondent and Mr. B.M. Choudhury, learned counsel, appearing for the informant.

2. This is an application under Section 483 of the BNSS, 2023, praying for granting bail to the accused-applicants in connection with Hojai P.S. Case No. 172/2026, registered under Sections 103/281/61(2) of the BNS, 2023.

3. An FIR was lodged on 18.06.2026, before the S.P., Hojai, by one Victo Debnath, alleging that on 17.06.2026, at around 4:15 AM, while his father, namely, Nityananda Debnath, was taking a morning walk on Telibasti Jurapukhuri Road, the accused persons, including the accused-applicants, allegedly hit the complainant's father by a white-colored Alto vehicle, which was driven in a rash and negligent manner by the accused persons. It is alleged that the accused persons intentionally hit the father of the informant with the intention to kill him. The accident left the father of the victim with grievous injuries, including a fracture on his left leg and serious injuries on his back. He was immediately shifted to NEMCARE Hospital. However, later on, he succumbed to his injuries. It is alleged that the accused persons had previous enmity with the father of the informant and therefore intentionally tried to kill him. It is also alleged that due to certain property disputes, two title suits related to such property were instituted by the father of the informant, and they are still pending. It is also alleged that in an earlier occasion also, in the year 2023, the accused persons attempted to kill his father by hitting him with a vehicle. It is also alleged that the accused applicant No. 1 had threatened the father of the informant by leaning out of the vehicle when the incident occurred.

4. Though the FIR was lodged on 18.06.2026, it is seen that the FIR was registered only on 07.08.2026.

5. The learned counsel appearing for the accused-applicants submits that the accused-applicants are not involved in the alleged incident that occurred on 17.06.2026. He submits that the allegations have been made against the accused-applicants only due to the fact that property disputes are going on between the parties. He submits that initially police did not find any element of murder, in the instant case, and therefore, the police entered the data relating to the incident in the eADR as an accident. However, later on, while registering the case on 07.08.2026, the allegation of murder was included. He further submits that since the accused-applicants are languishing in jail for 59 and 54 days respectively in the instant case, therefore, further custodial detention of the accused-applicants are not required. Accordingly, he submits that the accused-applicants should be granted bail.

6. Case diary in the instant case has been received, and the same is perused.

7. Mr. K.K. Das, on the other hand, submits that there are allegations about involvement of a white Alto vehicle. The vehicle could not be recovered, and it could not be ascertained as to who were inside the vehicle when the incident occurred. Therefore, since the other three persons are yet to be arrested, bail should not be granted to the accused-applicants at this stage. He further submits that as per Section 183 statement of one of the witnesses, namely, Abdul Motalib, who resides near the house of the accused-applicants, he heard the accused-applicants discussing about killing of the victim.

8. Mr. B.M. Choudhury, learned counsel appearing for the informant submits that the victim was killed with a pre-planned manner by the accused-applicants using a vehicle. He further submits that though the FIR was lodged on 18.06.2026,

the same was registered on 07.08.2026 for the reasons best known to the prosecution. He submits that the investigation in the instant case is yet to be completed, and there are evidences that the accused-applicants, on earlier occasion also, tried to kill the victim. Therefore, he opposes the prayer of bail for the accused-applicants.

9. This court has heard the submissions made by the respective counsels appearing for the parties and also perused the Case Diary that has been received.

10. Having prima facie found no such incriminating material to implicate the accused-applicants in the accident that took place on 17.06.2026, and also taking into account the fact that the accused-applicants have been behind the bars for 59 and 51 days respectively, this court is of the considered opinion that the accused-applicants should be released on bail at this stage. Accordingly, it is directed that the accused-applicants shall be released immediately on bail, on furnishing of a bail bond of Rs. 50,000/-(Rupees Fifty Thousand) each with two sureties of like nature to the satisfaction of learned CJM, Hojai, subject to the following conditions:

(1) That the accused-applicants shall submit details of their Aadhaar card, PAN card, Passport (if any), to the learned CJM, Hojai;

(2) That the accused-applicants shall not leave the territorial jurisdiction of the learned CJM, Hojai, without prior permission of the learned CJM, Hojai;

(3) That the accused-applicants shall cooperate with the investigation and shall appear before the Investigating Officer as and when called for;

(4) That the accused-applicants shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing

such facts before the Investigating Authority.

11. In the event of any default of the above bail conditions, the prosecution shall be at liberty to approach the appropriate forum for cancellation of bail.

12. In terms of the above, the instant bail application is disposed of.

JUDGE

Miriam Degu
(SPA)