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

Case No. : Bail Appln./3506/2026

NAYANMANI BARMAN AND 4 ORS.
S/O LATE MONOHARI BARMAN R/O GOBARADAL, NALBARI UNDER TIHU POLICE STATION IN THE DISTRICT OF NALBARI, ASSAM.

2: ARUP BARMAN
S/O MADAN BARMAN R/O RAM NAGAR
JUNALI PATH UNDER NOONMATI POLICE STATION IN THE DISTRICT OF KAMRUP(M) ASSAM.

3: PRANJAL TALUKDAR
S/O MONTURAM TALUKDAR R/O ANANDA NAGAR
PATH NO. 2
UNDER NOONMATI POLICE STATION
IN THE DISTRICT OF KAMRUPM ASSAM.

4: CHAMPAK KUMAR SHARMA
S/O RAMESH CHANDRA SARMA R/O HOUSE NO. 13
GOPAL NAGAR
SHANTI PATH
UNDER NOONMATI POLICE STATION IN THE DISTRICT OF KAMRUP M ASSAM.

5: NAYANJYOTI KALITA
S/O MADHAB CHANDRA KALITA R/O HOUSE NO. 10
GOPAL NAGAR
SHIVAMANDIR PATH UNDER NOONMATI POLICE STATION IN THE DISTRICT OF KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR. D K BAIDYA, MR. D GAGAI,P MAZUMDAR,SAMRIDDHI SAIKIA,MR. R BARTHAKUR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 04.11.2026

Heard Mr. D.K. Baidya, learned counsel for the accused applicants. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor appearing for the State respondent.

2. This is an application filed under Section 483 of the BNSS, 2023, praying for granting bail to the accused-applicants namely, **1.** Nayanmani Barman **2.** Arup Barman **3.** Pranjal Talukdar **4**. Champak Kumar Sharma and **5.** Nayanjyoti Kalita, in connection with Paltan Bazar P.S. Case No. 285/2026 under Sections 305(b)/3(5) of BNS, 2023.

3. An FIR was lodged on 20.10.2026 before the Officer-In-Charge of Paltan Bazar Police Station by Lance Naik namely, Nayan Mani Choudhury alleging that he is the official driver of Sri Diganta Borah, IGP and resides in the residential complex DGP Office, Ulubari.

4. It is alleged that Mr. Borah was on leave and he has been stayed in the resident and taking care of his property. It is alleged that on 19.10.2026 at night hours at around 8.00 am, he had dropped Mr. Borah at Gopinath Bordoloi International Airport, Guwahati and thereafter, returned and parked the official KIA Carnival vehicle bearing registration No.AS 01 ET 9138 in the parking site of the residence of aforesaid Borah.

5. On 19.10.2026, it was observed that the vehicle was not there in the parking space and somebody had taken the vehicle from there. It is alleged that later on in

the evening of the same day, he came to know that the vehicle met with an accident at Ghograpar PS jurisdiction under Nalbari District and the vehicle was driven by one unknown person at the time of the accident.

6. From further enquiry, it was found that the FIR named persons namely Nayanmani Barman and Arup Barman both are Lance Naik had taken the vehicle along with some friends to Nalbari districts and there they met with an accident.

7. On receipt of the FIR, police registered Paltan Bazar P.S. Case No. 285/2026 under the aforementioned Sections.

8. The learned counsel appearing for the accused applicants submits that the vehicle was taken by the accused applicants Nayanmani Barman and Arup Barman due to the fact that the wife of Arup Barman was at the stage of pregnancy and they wanted to visit her. He submits that though the vehicle was taken unauthorizedly, there was no theft or stealing of any vehicle and the vehicle has already been recovered.

9. He further submits that the accused applicants are behind bars for 18 days and therefore, the accused applicants should be granted bail at this stage. He also submits that three other persons have nothing to do with the incident and in fact, they were accompanying the accused applicant Nos.1 and 2.

10. The learned Additional Public Prosecutor opposes the prayer for bail and submits that case diary should be called for in the instant case.

11. Taking into account the entire facts and circumstance of the case and *prima faci*e this Court did not find any element of criminal activity rather there was, of course, unauthorized taking away of the vehicle and since the vehicle has already been recovered and the accused applicants have already spent 18 days in custody, is of the considered opinion that the accused applicants should be granted bail at this stage.

12. Accordingly, it is directed that the accused applicants named above shall be released on bail on furnishing bail bond of Rs.20,000/- each with one surety of like nature to the satisfaction of learned CJM, Kamrup(M) subject to the condition that the accused applicants shall cooperate with the investigation and make themselves available as and when called for by the Investigating Officer.

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

JUDGE

Comparing Assistant