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2026:GAU-AS:17112

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

Case No. : Bail Appln./3577/2026

SRI PARESH KARMAKAR AND 2 ORS.
S/O- LATE ANIL KARMAKAR,

2: SRI SURAJ BAWRI
S/O- MEGHA BAWRI

3: SRI BIMAL MAJHI
S/O- RUPESHWAR MAJHI
-2- ALL ARE R/O- VILL. - CHOTAI TEA ESTATE
P.O.- CHOTAI
P.S.- TEOK
ASSAM
DIST- JORHAT
PIN- 785010

VERSUS

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

Advocate for the Petitioner : MR. I H SAIKIA, MS. L MISAO,MR. M R CHOUDHURY,MR A BASUMATARY,MR. K KALITA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 19.11.2026

Heard Mr. I. H. Saikia, learned counsel for the petitioners and Ms. S. H. Bora, learned Addl. Public Prosecutor for the State of Assam.

2. By this application, the petitioners, three in numbers have prayed for bail in connection with Teok P.S. Case No. 05/2026, registered under Sections 103/3(5) of the BNS, 2023 corresponding to Sessions Case No. 58/2026, pending before the learned Addl. Sessions Judge, Jorhat.

3. The FIR in connection with which the petitioners were arrested on 16.01.2026 was lodged by the cousin of the victim stating *inter alia* that when his uncle's son was attacked on his head with dangerous weapon on the petty issue by the petitioners and that he was taken to the hospital but he expired.

4. Learned Counsel for the petitioners submits that, upon completion of the investigation, the police had submitted the charge-sheet and the trial is going on before the Court of Additional Sessions Judge, Jorhat and that, two witnesses out of the total eight witnesses were already examined. He further submits that the actual story is that the deceased was in an intoxicated state on the day of occurrence and was creating nuisance and when the petitioners tried to calm him down the victim attacked them and as a result of the quarrel, injuries were sustained by the victim himself.

5. On the other hand, Ms. S. H. Bora, learned APP, submits that on perusal of the case records that, one of the witness has stated that quarrel had taken

place for no reason between the petitioners and the victim, and the victim was assaulted but she place the statement of one of the petitioner, who stated that when the victim followed after a petty quarrel, he slapped him and that led to a quarrel. She also submits that the material witnesses are yet to be examined and as such, objects to grant of bail.

6. Upon consideration of the submission made by the learned counsels, more so in view of the fact that, the petitioners have stayed inside the jail for the last 306 days and also due to the fact that the petitioners are required to defend their case during the trial along with the fact that, one of the petitioner had stated that it was the deceased who had create a nuisance, this court enlarges the petitioners on bail on furnishing of a bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with one local surety each of the like amount to the satisfaction of the concerned court under the following conditions:

(i) The petitioners will positively appear before the IO/Trial Court without fail as and when call for.

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

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

7. The Bail Application stands disposed of.

JUDGE

Comparing Assistant