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

Case No. : Bail Appln./3612/2026

GAUTAM BARUAH AND ANR
S/O LATE NIREN BARUAH TEMPORARY RESIDING AT LALUNG GAON FISH MARKET, P.S. GARCHUK DISTRICT- KAMRUPM, ASSAM., AND PERMANENTLY RESIDENCE OF KHASH BORKALA, P.S. MANGALDOI, DISTRICT- DARRANG, ASSAM.

2: NITUL BARUAH
S/O LATE NIREN BARUAH TEMPORARY RESIDING AT LALUNG GAON FISH P.S. GARCHUK DISTRICT- MARKET
KAMRUPM
ASSAM
AND PERMANENTLY RESIDENCE OF KHASH BORKALA
P.S. MANGALDOI
DISTRICT- DARRANG
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N C DAS, MR. S K SINGHA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

25.11.2026

1. Heard Mr. N.C. Das, learned counsel appearing for the petitioners. Also

heard Mr. M.P. Goswami, learned APP appearing for the State of Assam.

2. By this application the petitioners have prayed for bail in connection with Gorchuk PS Case No. 261/2026 registered under Sections 118(2)/3(5) of the BNS, 2023.

3. The FIR in connection with which the petitioners were arrested on 20.10.2026 was lodged by the mother of the victim stating *inter alia* that the petitioners while under the influence of alcohol entered into an altercation with her son. It was further stated that during the course of the altercation petitioner No. 2 stabbed her son in the stomach with a knife as a result of which the victim sustained serious injuries and had to be admitted to the hospital.

4. The learned counsel for the petitioners submits that the allegations made in the FIR are concocted and that the petitioners have been falsely implicated in the present case.

5. Mr. M.P. Goswami, learned APP upon perusal of the case diary submits that one of the witnesses had witnessed the incident. However, the said witness did not state that she had seen petitioner No. 1 or petitioner No. 2 stabbing the injured person. He further submits that the injured had stated that petitioner No.2 had attacked him.

6. Upon consideration of the submissions made by the learned counsel for the parties, more so in view of the lack of incriminating materials against the petitioners as well as the fact that the petitioners have been in judicial custody for the last 35 days, this Court is inclined to enlarge the petitioners on bail furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with one local surety each of a like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) subject to the following conditions:

(i) The petitioners shall appear before the Investigating Officer or Trial Court as and when called for,

(ii) The petitioners shall not hamper and tamper with the evidence of the case, and/or influence the witnesses; and

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

7. Accordingly, this Bail Application stands disposed of.

JUDGE

Comparing Assistant