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

Case No. : Bail Appln./3650/2026

BHASKAR JYOTI SAIKIA ALIAS BHASKAR SAIKIA
S/O- SRI ROBINDRA SAIKIA, R/O- NIZ CHABUA, MORANKARI GAON. P.S.-CHABUA, DISTRICT DIBRUGARH, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P. ASSAM.

Advocate for the Petitioner : MR S M ABDULLAH P, MD R ISLAM,MD IMRAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 12.11.2026

Heard Mr. SM Abdullah P, learned Counsel for the petitioner and Mr. KK Parasar, learned Additional Public Prosecutor for the State.

2. By this application, the petitioner has prayed for bail in connection with Sessions Case No. 354/2024 arising out of Chabua PS Case No. 70/2024 registered under Section 103/238/3(5) of BNS, 2023. The FIR in connection with which the petitioner was arrested on 14.09.2024 was lodged by the police personnel stating inter alia that Ms. Prohelika Baruah initially lodged an ejahar stating that some unknown miscreants entered her house and had killed her husband but it is stated by the informant that during investigation, it was brought to light that it was the complainant i.e. Ms. Prohelika Baruah, herself who had administered poison in the food of her husband and with the help of her associates including the petitioner killed her husband. It was further stated that the petitioner grabbed the legs of the accused and Ms. Prohelika Baruah killed her husband by hitting him with a garden tool and that another accused person had also helped in the commission of the offence.

3. The learned Counsel for the petitioner submits that the police upon completion of the investigation submitted the charge sheet and the trial is on in the instant case. He further submits that five witnesses were already examined and amongst them, the minor child of the deceased was examined and she stated before the Trial Court that she saw apart from her mother, the other accused person to have assaulted her father. She had also stated during her statement before the Magistrate under Section 183 of BNSS, 2023, that she saw her mother hitting her father and another person also assaulting her father and

that during the trial, she had clarified that the other person is not the petitioner but the other accused person. The learned Counsel for the petitioner also submits that no other witness had stated about the petitioner to have participated in killing of the deceased.

4. On the other hand, Mr. KK Parasar, learned Additional Public Prosecutor for the State submits that the trial is on and witnesses were examined and that it is a settled position that bail should not be granted to the accused person at the fag end of the trial.

5. Upon considerations of the submissions made by the learned Counsels for the parties, this Court finds as follows:

In the FIR, allegations are clearly stated against the petitioner that he had grabbed the legs of the petitioner while the other two other accused persons had killed him. It is thereafter seen during the examination of the minor daughter of the victim, that she stated before the Magistrate that apart from her mother one brother of Ashapriya had cut her father's leg and stomach with a machete and in her statement before the Trial Court, she identified that the person, she saw on the night of the occurrence whom she referred as the brother of Ashapriya is not the petitioner and the other accused person. Further it is also required that the petitioner should be given the opportunity to defend his case during trial and it is also noticed that the petitioner has been inside the jail for more than two years and two months. It is also noticed that there are altogether, 19 witnesses that needs to be examined and out of that only five witnesses were examined. Further it has come to the notice of this Court that there is violation of Section 35 as well as Section 47 and 48 of the BNSS, 2023.

6. As such, this Court deems it fit to enlarge the petitioner on bail on

furnishing of bail bond of Rs. 30,000/- with two local sureties of the like amount to the satisfaction of the learned Additional Sessions Judge, Dibrugarh under the following conditions:

i) the petitioner will appear before the Trial Court as and when the case is fixed and called .

ii) if the petitioner does not appear even on one single day during the trial, the police is given a liberty to file application for cancellation of the bail, which will be considered by the Court.

iii) the petitioner will not hamper, tamper with the evidence, neither influence the witnesses connected with the case.

iv) the petitioner will not leave the place of jurisdiction without the permission of the concerned Court.

7. Petition is disposed of.

JUDGE

Comparing Assistant