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

Case No. : AB/3026/2026

SRI RAJIB BRAHMA AND ANR
S/O LATE RAJESWAR BRAHMA.

2: SMT KANIKA BRAHMA
W/O SRI RAJIB BRAHMA BOTH RESIDENTS OF KOKRAJHAR TOWN
WARD NO. 5 MAIBONG NAGAR
P.S. AND DISTRICT KOKRAJHAR
BTC
ASSAM. CONTACT MOBILE NO. 9678316497

VERSUS

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

Advocate for the Petitioner : MR. M U MAHMUD, MS. SALMA,MS. T BASUMATARY,MR S H MAHMUD

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

25.11.2026

1. Heard Mr. M. U. Mahmud, learned counsel for the petitioner and Mr. M. P. Goswami, learned Additional Public Prosecutor for the State.

2. By this application, the petitioners have prayed for pre-arrest bail in connection with Kokhrajhar P.S. Case No.
92/2026 registered under Sections 109 & 123 of BNS, 2023. The FIR in connection with which the petitioners are apprehending arrest was lodged by the mother of the victim stating *interalia* that her daughter-in-law mixed poison to the food of her son and that her son got ill and was admitted in the hospital in a critical condition.

3. Learned counsel for the petitioners submits that the victim died during the treatment. He further submits that the petitioners are not named in the FIR and they have no connection whatsoever with the offence mentioned therein. But, he submits that the police is searching the petitioners and has visited their place only on the allegation that the petitioners are known to the main accused person in the said case.

4. Mr. M. P. Goswami, learned Additional Public Prosecutor on the other hand, submits that the contents of the Case Diary be looked into in order to see the complicity of the petitioners in the present case. He however objects to the grant of absolute bail to the petitioners.

5. Upon consideration of this submission, moreso, in view of the fact that no allegation is made against the petitioners by the informant. This Court enlarges the petitioners on pre-arrest bail on furnishing of bail bond of Rs. 20,000/- each with one local surety up to the satisfaction of the Arresting Authority under the following conditions:-

(i) The petitioners shall positively appear before the Investigating Officer within a period of 15 days from today and cooperate with the investigation without fail,

(ii) The petitioners shall not hamper and tamper with the evidence of the case,

and/or influence the witness connected with the case; and

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

6. Accordingly, this Anticipatory Bail Application stands disposed of.

JUDGE

Comparing Assistant