

GAHC010257662022



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

Case No. : Bail Appln./3484/2022

DIBYA JYOTI GOGOI
S/O- AJIT GOGOI, VILL- CHAULDHOWA BALIGAON, P.O. GOGAMUKH, P.S.
GOGAMUKH, DIST.- DHEMAJI, ASSAM, PIN- 787034

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY P.P., ASSAM

2:SARITA SHARMA
W/O- SHRI SHANKAR SHARMA
R/O- JANJI
AMGURI
P.S. AMGURI
DIST.- SIVASAGAR
ASSA

Advocate for the Petitioner : MS M BORAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 28.12.2022

This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Dibya Jyoti Gogoi**, in connection with **Dibrugarh Police Station Case No. 729/2022**, registered under **Sections 120(B)/341/395/307/143 of IPC**.

Heard Mrs. L. Boruah, learned counsel for the accused-petitioner as well as Mr. K.K. Parasar, learned Additional Public Prosecutor for the state respondent.

The case diary produced has been perused.

The learned counsel for the accused/petitioner submits that the petitioner is a 3rd Semester (M.Sc) student of the department of Geology in Dibrugarh University. She further submits that the accused/petitioner will have to undergo the winter training at Oil and Natural Gas Corporation Limited from 01.01.2023 to 30.01.2023 and the said winter training is an essential part of the Post-Graduate Degree course, M.Sc, which the accused is pursuing under the Dibrugarh University as a student of 3rd Semester, M.Sc. It is also submitted by the learned counsel for the accused/petitioner that the petitioner has been in custody for last 27 days and as such, the bail prayer of the accused/petitioner may be considered.

Mr. Parasar, learned Additional Public Prosecutor has vehemently objected to the prayer of the accused/petitioner by stating that the accused/petitioner is very involved in the present case and one of the victims, Anand Sharma is still in hospital for grievous injuries sustained by him alleged to be caused by the present accused/petitioner as well as his associates.

After perusal of the case diary along with the statements of the victims recorded under Section 164 Cr.P.C. as well as their injury reports, it appears that the present accused/petitioner is very much involved with the commission of offence as alleged in the FIR. It also transpires that the injured persons are the victims of ragging.

On consideration of the matter in its entirety this Court is of the view that this is not a fit case for grant of the bail to the accused/petitioner, at this stage. Therefore, his prayer for bail is **rejected**.

The bail application stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant