

GAHC010007552026



2026:GAU-AS:3068

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

Case No. : AB/161/2026

POMKI DAIMARI ALIAS PANKHIRAJ DAIMARI
S/O. PHILIP DAIMARI, RESIDENT OF BHURACHUBURI, P.S. UDALGURI,
DIST UDALGURI, BTR, ASSAM, PIN 784510

VERSUS

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

Advocate for the Petitioner : MR. W RAHMAN, MR A SHARMA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

27.02.2026

1. Heard learned counsel Mr. A. Sharma for the petitioner Pomki Daimari @Pankhiraj Daimari who has filed this application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with PRC case No. 365/2025 corresponding

to GR Case No. 263/2025 arising out of Udalguri Police Station Case No. 55/2025 under Section 103(1)/3(5) of Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. K. Baishya, learned Additional Public Prosecutor for the respondent State.

3. The allegation against the petitioner is that on 17.04.2025, at about 9 p.m., Mukut Nath and the present petitioner who were travelling in a Bolero vehicle, wrongfully restrained the victim, Priyajan Daimari and relentlessly assaulted him. The victim was taken for treatment but finally he succumbed to his injuries.

4. Earlier, the petitioner had applied for bail and vide order dated 10.02.2024, this Court rejected the petitioner's application for pre-arrest bail in connection with AB No. 2534/2025.

5. It is submitted that the petitioner is at present, suffering from typhoid and Annexure-4 of the petition clearly reveals that the petitioner is suffering from typhoid. It is submitted that investigation has been concluded and charge-sheet has been laid against the petitioner.

6. The petitioner is willing to co-operate with the trial. If he is arrested, the petitioner may suffer immensely as he is suffering from typhoid at present. It is further submitted that the other accused was already arrested. The petitioner has prayed for bail on the ground that he is not a flight risk and he is willing to co-operate with the trial. The petitioner has prayed to consider his young age as he is only 29 years old.

7. Per contra, learned Additional Public Prosecutor has raised serious objection stating that this is a serious offence. Earlier, under the same facts and on the same grounds, this Court has rejected the bail application of the petitioner. No new grounds or change of circumstances have been shown in this subsequent

bail application.

8. I have considered the submissions at the Bar with circumspection. I have also scrutinized the scanned copies of the Trial court Records as well as the scanned copies of the Case Diary.

9. The merits of this case are not brought to the fore as the petitioner may be highly prejudiced if the merits of the case are discussed when trial is pending. The petitioner is alleged with a serious offence of murder.

10. I have also considered the submission that the petitioner is willing to co-operate with the trial. The petitioner has not projected any change of circumstances to grant bail in this subsequent bail application.

11. As the petitioner is willing to co-operate with the trial, the petitioner is directed to appear before the Elaka Magistrate/Jurisdictional Court within a month, and apply for bail which may be considered by the Court in accordance with law.

12. At this juncture, the prayer for pre-arrest bail of the petitioner stands rejected.

JUDGE

Comparing Assistant