

GAHC010197262025



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

Case No. : AB/2110/2025

POOJA SAIKIA
D/O GIRIDHAR SAIKIA,
R/O DERGAYAN GAO, TATABAHAR STATION ROAD, NARAYANPUR, P.O.
PADAMPUR, P.S. RESIDING IN HOSTEL NO. 6, GMCH PG GIRLS HOSTEL,
781019, P.O. AND P.S. BHANGAGARH, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N J GOGOI, MS. S DEB, MR. J KALITA, MR SOHAING

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

08.09.2025

Heard Mr. N.J. Gogoi, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor for the State.

2. This application under Section 482 of BNSS, 2023 has been filed by the petitioner, namely, **1. Pooja Saikia**, seeking pre-arrest bail in connection with **Bhangagarh P.S Case No. 0140/2025 registered under Sections 105 and 3(5) of BNS, 2023. (Corresponding G.R No.4074/2025).**

3. The case arose out of an FIR dated 18.08.2025.

4. It is submitted by the learned counsel for the petitioner that the petitioner is a medical student and came to be named in the FIR, in the backdrop of the unfortunate incident. It is further submitted that she is innocent.

5. The learned Additional Public Prosecutor for the State submits that the allegations have been imputed to the named persons in the FIR, one of which is the present petitioner and objects to the grant of interim protection.

6. The learned counsel for the petitioner refers to the decision of the Hon'ble Supreme Court in the case of ***Jacob Mathew Vs. State of Punjab and Another***, reported in **(2005) 6 SCC**.

7. Under the scheme of criminal law prevailing at present, causing death of a person by rash and negligent act, is now punishable under Section 106 BNS [earlier Section 304(a) IPC]. The said offence continues to be a bailable offence though minimum sentence has been prescribed and the maximum sentence of imprisonment increased to 5 years. While every act of gross negligence may not amount to an act of culpable homicide not amounting to murder; however it might be so if the gross

negligence is of such a degree that knowledge can be imputed to the accused person about causing death by his act.

8. The answer to the question in a particular situation depends on investigation and later, it could be a subject of matter of trial to be decided on the basis of the evidence.

9. In the present case, the matter is under investigation. Considering all the aspects of the matter, it may be fair to allow the petitioner to record a statement even though she is named in the ejahar.

10. Meanwhile, call for the case diary from the concerned police station.

11. However, in the **interim**, in the event of her arrest in connection with this case, the above-named petitioner shall be allowed to go on **bail** of **Rs.20,000/- (Rupees Twenty Thousand)** only with **one** surety of the like amount subject to the satisfaction of the arresting authority with following condition:

- I) That the petitioner shall co-operate with the investigation and make herself for examination;
- II) That the petitioner shall not hamper or tamper with evidence

12. List this matter again on 16.09.2025.

JUDGE